

LA ABRA SILVER MINING COMPANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

In answer to the resolution of the Senate dated March 25 last, in relation to La Abra Silver Mining Company, and the distribution or payment of moneys to that corporation on account of the award in its favor by the Mexican Government, I transmit herewith a report from the Secretary of State upon the subject, together with the accompanying papers.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, April 21, 1890.

CHANGE OF REFERENCE.

Mr. DAWES. I ask unanimous consent to have the reference of the memorial of F. B. Wheeler, Alexander Campbell, Thomas B. Merry, and R. L. Miller, late assistant commissioners to the Melbourne Centennial International Exposition, asking compensation out of unexpended balance of appropriation, changed from the Committee on Appropriations to the Committee on Foreign Relations. The memorial was so referred by mistake.

The VICE-PRESIDENT. That change of reference will be made, if there be no objection.

HOUSE BILLS REFERRED.

The bill (H. R. 949) to amend section 4787 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 3083) for the relief of Humbert Brothers was read twice by its title, and referred to the Committee on Finance.

The joint resolution (H. Res. 149) appropriating the sum of \$500 to complete the engraving and printing the portrait of James N. Burnes, deceased, late a member of the House of Representatives of the Fiftieth Congress, was read twice by its title, and referred to the Committee on Printing.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives (the Senate concurring). That the Clerk of the House of Representatives be directed to re-enroll the bill of the House H. R. 105, "An act in relation to immediate transportation of dutiable goods, amendatory of the act of July 10, 1880," and insert therein, including the title, the word "June," wherever it occurs, in lieu of the word "July;" and also insert, after the words "the seventh section of said act," the words "as hereby amended."

Mr. FRYE. That is simply to correct a mistake, and I ask that it may be passed upon now.

The resolution was concurred in.

PUBLIC BUILDING AT ASHLAND, WIS.

Mr. SPOONER. On Saturday I moved to reconsider the vote by which the Senate passed the bill (H. R. 4652) for a public building at Ashland, Wis., because of a mistake made in the Senate report. The bill has gone to a conference committee and the mistake can be corrected by that committee, and in order not to delay it I move to reconsider the vote by which the House of Representatives was requested to return the bill.

The motion was agreed to.

Mr. SPOONER. If there be no objection, I withdraw the motion to reconsider.

The VICE-PRESIDENT. The Chair hears no objection, and the motion is withdrawn.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I move that the Senate proceed to the consideration of House bill 3711, being the District of Columbia appropriation bill, Order of Business No. 963.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. 3711) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1891, and for other purposes.

Mr. SAWYER. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 22, 1890, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, April 21, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. Milburn, D. D.

The Journal of the proceedings of Saturday was read.

CORRECTION OF THE JOURNAL.

Mr. CUMMINGS. Mr. Speaker, I wish to correct the Journal. The House on Saturday did not proceed to eulogize the late Hon. Samuel Sullivan Cox under unanimous consent, but by special order.

The SPEAKER. The correction will be made, and the Journal as corrected will, without objection, be approved.

There was no objection.

ADDITIONAL COPIES OF TARIFF BILL AND REPORTS.

Mr. MCKINLEY. Mr. Speaker, I ask unanimous consent to have printed 25,000 additional copies of the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes, together with the report of the majority and the views of the minority.

Mr. PAYSON. While that is pending I desire to inquire of the gentleman from Ohio whether it is the purpose of the Committee on Ways and Means to prepare and have published with the tariff bill a comparison between the bill reported and existing law. It has always been the custom to do that, and it seems to be a wise course.

Mr. MCKINLEY. That comparison is already prepared, and is only awaiting completion before we present to the House an order for the printing.

Mr. PAYSON. Then I suggest, Mr. Speaker, that all this literature should be printed together, the bill, the report of the majority, the views of the minority, and the comparison.

Mr. MCKINLEY. I think if the gentleman will examine the statement we have made he will find that it will not be practicable for them to be published together.

Mr. PAYSON. Well, I made the inquiry for information.

Mr. CARLISLE. I would suggest to the gentleman from Ohio that this order should provide that these documents, after being printed, shall be equally distributed among the members of the House, or so many to the Senate and so many to the House—

Mr. MCKINLEY. That is my understanding.

Mr. CARLISLE. Otherwise they will all go to the document-room, and any one member who goes there first may get more than his proper share.

The SPEAKER. The gentleman from Ohio asks unanimous consent that 25,000 additional copies of the tariff bill, the report of the majority of the Committee on Ways and Means, together with the views of the minority, be printed, to be equally distributed among the members of the House. Is there objection?

Mr. BUTTERWORTH. Is it the understanding that these documents are to be drawn on the orders of members or are they simply to be placed to the credit of the House? When they are placed to the credit of the House they are given out generally.

Mr. MCKINLEY. I understand this is to take the course of other documents that are printed by order of Congress. An equal number is to be given to each member, and subject to be drawn on his order.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none, and it is so ordered.

REPRINT OF MILITIA BILL.

Mr. HENDERSON, of Iowa. Mr. Speaker, I desire to make a similar request in regard to the bill (H. R. 8151) to promote the efficiency of the militia. I desire to ask a reprint, as the supply is exhausted.

Mr. BLOUNT and Mr. BRECKINRIDGE, of Kentucky. What bill is that?

The SPEAKER. It is a bill to promote the efficiency of the militia. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none, and it is so ordered.

ADDITIONAL COPIES OF RIVER AND HARBOR BILL.

Mr. HENDERSON, of Illinois. Mr. Speaker, I desire to make a similar request. I ask unanimous consent for an order to print a thousand additional copies of the bill (H. R. 9486) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, being what is known as the river and harbor bill, and that the additional copies be equally divided among the members of the House.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and it is so ordered.

MELVILLE FOOTE, DECEASED.

Mr. LEE, from the Committee on Accounts, submitted the following report:

"Resolved, That the Clerk of the House of Representatives be directed to pay out of the contingent fund of the House to Charles B. Foote, father of Melville Foote, deceased, late clerk of the Committee on Levees and Improvements of the Mississippi River, a sum equal to his salary for six months, and that the Clerk be further directed to pay out of the contingent fund of the House the expenses of the last illness and funeral of the said Melville Foote, such expenses not to exceed \$250."

The Committee on Accounts, to whom was referred a resolution submitted by Mr. BURROWS to pay to Charles B. Foote, father of Melville Foote, deceased, late clerk of the Committee on Levees and Improvements of the Mississippi River, a sum equal to his salary for six months and the expenses of his last illness and funeral expenses, such expenses not to exceed \$250, respectfully report that they have given the matter careful consideration, and, finding many precedents of a similar nature, recommend the passage of the resolution.

The resolution was adopted.

PRINTING FOR COMMITTEE ON WAYS AND MEANS.

The Speaker laid before the House the following concurrent resolution of the House, with an amendment of the Senate thereto:

Resolved by the House of Representatives (the Senate concurring), That there be

printed for the use of the House 10,000 copies of the hearings now being held before the Committee on Ways and Means, of which 3,000 copies shall be bound in cloth.

IN THE SENATE OF THE UNITED STATES, April 12, 1890.
Resolved, That the foregoing resolution of the House of Representatives do pass with the following amendment:

Strike out all after "of," in line 3, and insert "Congress 15,000 copies of the hearings before the Committee on Ways and Means of the House of Representatives, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House; and one-half in number of the said publication shall be bound in cloth."

Mr. STIVERS. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion to concur was agreed to.

UNITED STATES COURTS IN MINNESOTA.

The SPEAKER also laid before the House the bill (H. R. 4587) providing the terms and places of holding courts of the United States in the district of Minnesota, and for other purposes, with amendments of the Senate thereto.

The amendments were read, as follows:

Page 2, strike out all after the word "resides," in line 16, down to and including "committed," in line 21.

Page 2, line 26, strike out all after the word "resides" down to and including the word "found," on page 3.

Page 3, lines 25 and 26, strike out "or in the appointment of six" and insert "each appoint a."

Page 3, line 26, strike out "clerks, one for each division," and insert "clerk at the place where their respective courts are required to be held in the division of the district in which such clerk shall not himself reside."

Page 4, line 5, after the word "appointed," insert: "Provided, That the appointment of such deputies shall be approved by court for which they shall have been respectively appointed, and may be annulled by such court at its pleasure, and the clerks shall be responsible for the official acts and negligence of their respective deputies."

Mr. LIND. Mr. Speaker, I move that the House concur in the amendments of the Senate.

Mr. HOLMAN. Mr. Speaker, I think the bill as amended ought to be read, or else we ought to have some explanation of the effect of these amendments.

Mr. LIND. Mr. Speaker, this bill passed the House some time ago upon the unanimous report of the Judiciary Committee. The Senate amendments are simply formal. The bill as it passed the House provided that criminal prosecutions should be instituted in the particular subdivisions where the alleged crimes were committed. These amendments simply strike that out and provide that criminal prosecutions may be instituted in the district, as now required by law, without confining them to the special subdivisions in which the alleged crime may have been committed.

Mr. HOLMAN. That is the effect of the amendments?

Mr. LIND. Yes; that is the effect.

The motion to concur in the Senate amendments was agreed to.

Mr. LIND moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT TUSCALOOSA, ALA.

The SPEAKER also laid before the House a bill (H. R. 7175) for the erection of a public building at Tuscaloosa, Ala., with an amendment of the Senate thereto and a request for a committee of conference.

The amendment was read.

Mr. BANKHEAD. Mr. Speaker, I move that the House non-concur in the Senate amendment and agree to the request for a conference. The motion was agreed to.

ORDER OF BUSINESS.

Mr. STRUBLE. Mr. Speaker, I now call up the unfinished business of Saturday.

Mr. WILSON, of Missouri. I ask the gentleman to yield to me for a moment to ask unanimous consent for the consideration of a joint resolution.

Mr. STRUBLE. I will yield to the gentleman.

Mr. WILSON, of Missouri, by unanimous consent, introduced a joint resolution (H. Res. 149); which was read a first and second time. It is as follows:

Resolved by the Senate and House of Representatives, etc., That the sum of \$500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to complete the engraving and printing of the portrait of James N. Burnes, deceased, late a member of the House of Representatives in the Fiftieth Congress, as authorized by the act of Congress approved March 1, 1889.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ASSISTANT FOREMAN, HOUSE FOLDING-ROOM.

Mr. STRUBLE. I yield for a moment to the gentleman from Kansas [Mr. KELLEY].

Mr. KELLEY. I desire to present a privileged report from the Committee on Accounts, and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House be, and he is hereby, authorized to employ an assistant foreman in the folding-room of the House during the Fifty-first Congress, to be paid out of the contingent fund of the House, until otherwise provided for, a salary at the rate of \$1,200 per annum.

The SPEAKER. This seems to be an original resolution.

Mr. KELLEY. It is. On behalf of the Committee on Accounts, I ask for its immediate consideration.

The SPEAKER. This bill can not be made the subject of a privileged report. No committee of the House can originate legislation in this way.

Mr. KELLEY. Well, on behalf of the committee, I ask unanimous consent for the present consideration of the resolution.

Mr. BLAND. I hope the gentleman will make some explanation about it.

The SPEAKER. The Clerk will again read the resolution.

The resolution was again read.

Mr. KERR, of Iowa. I object to the consideration of this resolution.

BRIDGE ACROSS MISSOURI RIVER, SIOUX CITY, IOWA.

Mr. STRUBLE. I now call up the unfinished business.

The SPEAKER. The Clerk will read the title of the bill coming over from Saturday last.

The Clerk read as follows:

A bill (H. R. 8250) to amend an act entitled "An act authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889.

The SPEAKER. This bill was read on Saturday last. The amendments proposed by the committee will now be read.

The Clerk read as follows:

Section 1, line 10, after the word "draw-bridge," insert "with one or more draws, as may be prescribed by the Secretary of War."

Section 1, line 29, after the word "thereof," insert the following: "Provided, That said city of Sioux City, Iowa, its successors or assigns, shall, at their own expense, build and maintain, under direction and supervision of the Secretary of War, such wing-dams and booms or other works necessary to maintain the channel within the draw span or spans of said bridge, and shall, at their own expense, maintain a depth of water through said draw span or spans not less than that now existing, as shown by the report of the War Department, at the point where said bridge may be located; and if said city of Sioux City, its successors or assigns, or either of them, shall fail to maintain such channel as aforesaid, then the Secretary of War may cause said channel to be opened and maintained at proper depth for navigation through said span or spans at the expense of the owners of said bridge, or may remove obstructions to navigation as provided in section 6 of said act, approved March 2, 1889."

At the end of section 2 insert the following as section 3:

"SEC. 3. That all railroad companies desiring the use of said bridge, approaches, and accessory works shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use, shall fail to agree upon the sum or sums to be paid and upon rules and conditions to which each shall conform in using said bridge, all matters in issue between them shall be decided by the Secretary of War upon reasonable notice to the parties in interest and upon consideration of such allegations and proofs as may be submitted to him."

Mr. STRUBLE. I ask that further amendments which I have sent to the desk may also be read.

The Clerk read as follows:

In lines 7, 8, 30, and 38 of section 1 strike out the words "city of Sioux City, Iowa," and insert "Pacific Short Line Bridge Company."

Mr. STRUBLE. The object of these amendments is that the Pacific Short Line Bridge Company, instead of Sioux City, Iowa, shall appear in each place as the grantee of this charter.

Mr. TURNER, of Georgia. Does the gentleman, in these amendments, propose to strike out the words "successors or assigns" wherever they occur in the bill?

Mr. STRUBLE. No, sir; the amendments do not propose that.

Mr. TURNER, of Georgia. Then, as I understand, the gentleman proposes still to retain in the bill those words wherever they occur. I object to that language. I do not think it is a good practice for the Congress of the United States to grant these privileges to corporations and at the same time make the grants assignable. I believe Congress ought to judge in the first instance as to the propriety of consent being given to the exercise of these privileges by any particular corporation. If the gentleman will consent to strike out those words, I will withdraw all opposition to the bill. I will add that, according to my information, the parties interested in this bill would be content with that change. It is perfectly obvious that privileges granted under the phraseology proposed in the bill would be simply speculative. Unless the gentleman will consent to strike out those words, I will at the proper time move an amendment to that effect.

Mr. STRUBLE. I will consent to the modification of my amendments as suggested by the gentleman from Georgia, with the understanding that the amendments I submit shall strike out the words "the city of Sioux City, Iowa, its successors, or assigns" wherever they occur in the bill, except in line 17, page 2, where power is given to Sioux City to regulate tolls. At that place I wish the words to remain; also, that the word "its" be inserted in lieu of "their," in line 31 of the first section, and that the words "or either of them," in line 39 of said section, be stricken out.

Mr. TURNER, of Georgia. To that I have no objection.

The amendments of Mr. STRUBLE as modified were read, as follows:

In lines 7, 8, 30, 38, and 39, of section 1, strike out the words "city of Sioux City, Iowa, its successors, or assigns" and insert "Pacific Short Line Bridge Company."

In line 31, same section, strike out "their" and insert "its."
In line 39, same section, strike out "or either of them."

Mr. TURNER, of Georgia. I now make no opposition to the amendments proposed by the gentleman from Iowa.

The amendments of Mr. STRUBLE to the amendments of the committee were agreed to.

The amendments of the committee as amended were adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. STRUBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HUMBERT BROS.

Mr. CUMMINGS. Mr. Speaker, on behalf of my colleague [Mr. TURNER], who is unavoidably absent, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 3083) for the relief of Humbert Bros. and put it upon its passage.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, instructed to redeem in favor of Humbert Bros. two 5 per cent. registered bonds for \$5,000 each, inscribed on the books of the Treasury Department in the name of J. & W. Seligman & Co., and numbered 7696 and 7697, respectively, issued under the act of March 3, 1864, and known as ten-forties, said bonds having been assigned in blank and stolen from said Humbert Bros. on or about March 11, 1873, upon the said Humbert Bros. complying with the following conditions: That they file with the Secretary of the Treasury a consent by J. & W. Seligman & Co. to the cancellation of the entry on the books of the Treasury showing the said J. & W. Seligman & Co. to be owners of said stolen bonds, numbers 7696 and 7697, and to the payment of the principal of said bonds and the accrued interest thereon from last interest payment to the maturity of the call in which they are included, to the said Humbert Bros., which consent shall be in writing executed and duly acknowledged by the said J. & W. Seligman & Co., and approved by the Secretary of the Treasury. That the said Humbert Bros. also execute and file with the Secretary of the Treasury a bond with sufficient sureties, to be approved by the Secretary of the Treasury, in the penalty of \$20,000, conditioned to save harmless and indemnify the United States from loss or liability on account of said bonds or the interest accrued thereon, and shall renew said bonds, from time to time, as the Secretary of the Treasury or his successors may require.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KERR, of Iowa. I would ask if there is a statement—

Mr. CUMMINGS. I ask for the reading of the report, Mr. Speaker, which will explain.

Mr. KERR, of Iowa. I do not ask for the reading of the report, but simply desire to know if there is a statement from the Secretary of the Treasury in regard to these bonds?

Mr. CUMMINGS. The gentleman from New York [Mr. DUNPHY], who reported the bill, will answer.

Mr. DUNPHY. The Secretary of the Treasury has approved the bill, I will state to the gentleman, and has a bond ready to be executed.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUMMINGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARTIFICIAL LIMBS.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 949) to amend section 4787 of the Revised Statutes of the United States and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That section 4787 of the Revised Statutes of the United States be amended by striking out the word "five" where it occurs therein, and inserting in lieu thereof the word "three," so that when amended said section will read as follows: "Every officer, soldier, seaman, and marine who was disabled during the war for the suppression of the rebellion, in the military or naval service, and in the line of duty, or in consequence of wounds received or disease contracted therein, and who was furnished by the War Department since the 17th day of June, 1870, with an artificial limb or apparatus for resection, who was entitled to receive such limb or apparatus since said date, shall be entitled to receive a new limb or apparatus at the expiration of every three years thereafter, under such regulations as have been or may be prescribed by the Surgeon-General of the Army."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE, of Kentucky. I think we had better have the regular order.

Mr. THOMAS. It seems to me, Mr. Speaker, that if the gentleman understood the bill he would not interpose an objection to it. Allow me just a moment to say to the gentleman from Kentucky that this bill simply changes the time from five years to three years when a party may receive artificial limbs under the law.

Mr. BRECKINRIDGE, of Kentucky. Is it necessary now?

Mr. THOMAS. Very necessary.

Mr. BRECKINRIDGE, of Kentucky. Then I withdraw the objection.

There being no further objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMAS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PETER LYLE, DECEASED.

Mr. STONE, of Kentucky. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 2456) for the relief of the legal representatives of Peter Lyle, deceased, and put it upon its passage.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CANNON. Mr. Speaker, I will withhold an objection for the present. I desire to ask the gentleman from Kentucky a question with the privilege of objection afterwards. Has this man a dependent mother, an infant child, or a widow?

Mr. STONE, of Kentucky. Neither.

Mr. CANNON. Then I object.

Mr. STONE, of Kentucky. I hope the gentleman will not urge his objection in this case. This bill was introduced into Congress time and again by Mr. Randall when he was a member of this body, and he was most anxious to have it passed. It was introduced by Mr. O'NEILL, of Pennsylvania, at this session of Congress, by request of Mr. Randall.

Mr. CANNON. If the gentleman will allow me a moment, I wish to say only this: The gentleman says there is no widow, dependent parent, or minor child.

Mr. STONE, of Kentucky. No; none.

Mr. CANNON. Now, this money is to be voted out of the public Treasury to the payment of the creditors of this man. I object.

Mr. THOMAS. Will the gentleman yield a moment to hear an explanation?

Mr. LODGE. Mr. Speaker, let us have the regular order.

Mr. STONE, of Kentucky. Let me say to the gentleman from Illinois that the parties who took care of this gentleman while he was entirely helpless are certainly entitled to some consideration. The arrears of pension were granted to him, the certificate issued, and one day later he died. You have a law which was passed at the last session of Congress that would meet a case of this kind had it occurred after the passage of that law. But it does not go behind it.

The SPEAKER. The regular order is demanded, and the bill is not before the House.

OKLAHOMA.

Mr. STRUBLE. Mr. Speaker, I submit a privileged report from the committee of conference on the Oklahoma bill.

The Clerk proceeded to read the conference report.

Mr. SPRINGER. I suggest that the statement accompanying this report be first read, and perhaps it may obviate the necessity of having the whole report read, which is quite lengthy.

Mr. HOLMAN. Let the report be read. I have no objection to reading the statement first, but I do not wish to waive the right to have the amendments read.

The SPEAKER. The Clerk had better proceed with the reading of the report.

Mr. HOOKER. Yes; we had better proceed in the regular way with this matter.

The Clerk resumed and concluded the reading of the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate (S. 885) to provide a temporary government for the Territory of Oklahoma, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to said bill and agree to the same with an amendment, namely: Strike out all of said amendment, and in lieu thereof insert the following:

"Sec. 1. That all that portion of the United States now known as the Indian Territory, except so much of the same as is actually occupied by the five civilized tribes and the Indian tribes within the Quapaw Indian agency, and except the unoccupied part of the Cherokee Outlet, together with that portion of the United States known as the Public Land Strip, is hereby erected into a temporary government by the name of the Territory of Oklahoma. The portion of the Indian Territory included in said Territory of Oklahoma is bounded by a line drawn as follows: Commencing at a point where the ninety-eighth meridian crosses the Red River, thence by said meridian to the point where it crosses the Canadian River, thence along said river to the west line of the Seminole country, thence along said line to the north fork of the Canadian River, thence down said river to the west line of the Creek country, thence along said line to the northwest corner of the Creek country, thence along the north line of the Creek country to the ninety-sixth meridian, thence northward by said meridian to the southern boundary line of Kansas, thence west along said line to the Arkansas River, thence down said river to the north line of the land occupied by the Ponca tribe of Indians; from which point the line runs so as to include all the lands occupied by the Ponca, Tonkawa, Otoe and Missouria, and the Pawnee tribes of Indians until it strikes the south line of the Cherokee Outlet, which it follows westward to the west line of the State of Texas, thence by the boundary line of the State of Texas to the point of beginning; the Public Land Strip which

is included in said Territory of Oklahoma is bounded east by the one hundredth meridian, south by Texas, west by New Mexico, north by Colorado and Kansas. Whenever the interest of the Cherokee Indians in the land known as the Cherokee Outlet shall have been extinguished and the President shall make proclamation thereof, said Outlet shall thereupon, and without further legislation, become a part of the Territory of Oklahoma. Any other lands within the Indian Territory not embraced within these boundaries shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation or tribe owning such lands shall signify to the President of the United States in legal manner its assent that such lands shall so become a part of said Territory of Oklahoma, and the President shall thereupon make proclamation to that effect.

"Congress may at any time hereafter change the boundaries of said Territory or attach any portion of the same to any other State or Territory of the United States without the consent of the inhabitants of the Territory hereby created: *Provided*, That nothing in this act shall be construed to impair any right now pertaining to any Indians or Indian tribe in said Territory under the laws, agreements, and treaties of the United States, or to impair the rights of person or property pertaining to said Indians, or to affect the authority of the Government of the United States to make any regulation or to make any law respecting said Indians, their lands, property, or other rights, which it would have been competent to make or enact if this act had not been passed.

"Sec. 2. That the executive power of the Territory of Oklahoma shall be vested in a governor, who shall hold his office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside within said Territory; shall be commander-in-chief of the militia thereof; he may grant pardons for offenses against the laws of said Territory, and reprieves for offenses against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of said Territory, and shall take care that the laws be faithfully executed.

"Sec. 3. That there shall be a secretary of said Territory, who shall reside therein and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and the proceedings of the Legislative Assembly hereinafter constituted, and all acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journals of the Legislative Assembly, within thirty days after the end of each session thereof, to the President of the United States and to the Secretary of the Interior and, at the same time, two copies of the laws and journals of the Legislative Assembly to the Speaker of the House of Representatives and the President of the Senate for the use of Congress; and in case of the death, removal, resignation, or other necessary absence of the governor from the Territory, the secretary shall execute all the powers and perform all the duties of governor during such vacancy or absence, or until another governor is appointed and qualified.

"Sec. 4. That the legislative power and authority of said Territory shall be vested in the governor and Legislative Assembly. The Legislative Assembly shall consist of a council and a house of representatives. The council shall consist of thirteen members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall consist of twenty-six members, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue two years, and the sessions of the Legislative Assembly shall be biennial and shall be limited to sixty days' duration: *Provided*, however, That the duration of the first session of said Legislative Assembly may continue one hundred and twenty days.

"That for the purpose of facilitating the organization of a temporary government in the Territory of Oklahoma, seven counties are hereby established therein, to be known, until after the first election in the Territory, as the First County, the Second County, the Third County, the Fourth County, the Fifth County, and the Sixth County, the boundaries of which shall be fixed by the governor of the Territory until otherwise provided by the Legislative Assembly thereof. The county seat of the First County shall be at Guthrie. The county seat of the Second County shall be at Oklahoma City. The county seat of the Third County shall be at Norman. The county seat of the Fourth County shall be at El Reno. The county seat of the Fifth County shall be at Kingfisher City. The county seat of the Sixth County shall be at Stillwater. The Seventh County shall embrace all that portion of the Territory lying west of the one hundredth meridian, known as the Public Land Strip, the county seat of which shall be at Beaver: *Provided*, That the county seats located by this act may be changed in such manner as the Territorial Legislature may provide.

"At the first election for members of the Legislative Assembly the people of each county may vote for a name for such county, and the name which receives the greatest number of votes shall be the name of such county. If two or more counties should select the same name, the county which casts the greatest number of votes for such name shall be entitled to the same, and the names receiving the next highest number of votes in the other counties shall be the names of such counties. An apportionment shall be made by the governor as nearly equal as practicable among the several counties or districts for the election of the council and house of representatives, giving to each section of the Territory representation in the ratio of its population (excepting Indians not taxed) as nearly as may be, and the members of the council and house of representatives shall reside in and be inhabitants of the district for which they may be elected, respectively. Previous to the first election the governor shall cause a census or enumeration of the inhabitants of the several counties or districts of the Territory to be taken, unless the same shall have been taken and published by the United States, in which case such census and enumeration shall be adopted, and the first election shall be held at such times and places and be conducted in such manner, both as to the persons who superintend such election and the returns thereof, as the governor shall appoint and direct, and he shall at the same time declare the number of the members of the council and house of representatives to which each of the counties or districts shall be entitled, as shown by the census herein provided for.

"The number of persons authorized to be elected, having the highest number of legal votes in each of said council districts for members of the council, shall be declared by the governor to be duly elected to the council, and the person or persons authorized to be elected, having the greatest number of votes for the house of representatives equal to the number to which each county or district shall be entitled, shall be declared by the governor to be elected members of the house of representatives: *Provided*, That in case two or more persons voted for have an equal number of votes, and in case a vacancy otherwise occurs in either branch of the Legislative Assembly, the governor shall order a new election, and the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the governor shall appoint, but after such first election, however, the time, place, and manner of holding elections by the people, and the apportionment of representation, and the day of the commencement of the regular sessions of the Legislative Assembly shall be prescribed by law: *Provided*, however, That the governor shall have power to call the Legislative Assembly together by proclamation, on an extraordinary occasion at any time.

"Sec. 5. That all male citizens of the United States above the age of twenty-one years, and all male persons of foreign birth over said age who shall have twelve months prior thereto declared their intention to become citizens of the United States, as now required by law, who are actual residents at the time of the passage of this act of that portion of said Territory which was declared by the proclamation of the President to be open for settlement on the 22d day of April, A. D. 1889, and of that portion of said Territory heretofore known as the Public Land

Strip, shall be entitled to vote at the first election in the Territory. At every subsequent election the qualifications of voters and of holding office shall be such as may be prescribed by the Legislative Assembly, subject, however, to the following restrictions on the power of the Legislative Assembly, namely: First. The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years and by persons of foreign birth above that age who have declared, on oath, before a competent court of record, as required by the naturalization laws of the United States, their intention to become citizens, and have taken an oath to support the Constitution of the United States, and who shall have been residents of the United States for the term of twelve months before the election at which they offer to vote. Second. There shall be no denial of the elective franchise or of holding office to a citizen on account of race, color, or previous condition of servitude. Third. No officer, soldier, seaman, marine, or other person in the Army or Navy or attached to troops in the service of the United States shall be allowed to vote in said Territory by reason of being on service therein. Fourth. No person belonging to the Army or Navy shall be elected to or hold any civil office or appointment in said Territory.

"Sec. 6. That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States, but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States, nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents, nor shall any law be passed impairing the right to private property, nor shall any unequal discrimination be made in taxing different kinds of property, but all property subject to the taxation shall be taxed in proportion to its value: *Provided*, That nothing herein shall be held to prohibit the levying and collecting license or special taxes in the Territory from persons engaged in any business therein, if the legislative power shall consider such taxes necessary. Every bill which shall have passed the council and the house of representatives of said Territory shall, before it becomes a law, be presented to the governor of the Territory. If he approve he shall sign it, but, if not, he shall return it with his objections to the house in which it originated, who shall enter the objections at large upon their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases the vote of both houses shall be determined by yeas and nays, to be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the assembly, by adjournment, prevent its return, in which case it shall not be a law.

"Sec. 7. That all township, district, and county officers not herein otherwise provided for shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and Legislative Assembly of the Territory. The governor shall nominate and, by and with the advice and consent of the council, appoint all officers not herein otherwise provided for, and in the first instance the governor alone may appoint all such officers, who shall hold their offices until the end of the first session of the Legislative Assembly; and he shall lay off the necessary districts for members of the council and house of representatives and all other officers, and whenever a vacancy happens from resignation or death, during the recess of the legislative council, in any office which is filled by appointment of the governor, by and with the advice and consent of the council, the governor shall fill such vacancy by granting a commission which shall expire at the end of the next session of the legislative council. It is further provided that the Legislative Assembly shall not authorize the issuing of any bond, scrip, or evidence of debt by the Territory, or any county, city, town, or township, therein for the construction of any railroad.

"Sec. 8. That no member of the Legislative Assembly shall hold or be appointed to any office which has been created or the salary or emoluments of which have been increased while he was a member during the term for which he was elected and for one year after the expiration of such term, but this restriction shall not be applicable to members of the first Legislative Assembly provided for by this act; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly or shall hold any office under the government of said Territory.

"Sec. 9. That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum. They shall hold their offices for four years, and until their successors are appointed and qualified, and they shall hold a term annually at the seat of government of said Territory. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of the justices of the peace shall be as limited by law: *Provided*, That justices of the peace, who shall be elected in such manner as the Legislative Assembly may provide by law, shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute or where the debt or sum claimed shall exceed \$100; and the said supreme and district courts, respectively, shall possess chancery as well as common-law jurisdiction and authority for redress of all wrongs committed against the Constitution or laws of the United States, or of the Territory affecting persons or property. Said Territory shall be divided into three judicial districts, and a district court shall be held in each county in said district thereof by one of the justices of the supreme court, at such time and place as may be prescribed by law, and each judge after assignment shall reside in the district to which he is assigned.

"The supreme court shall define said judicial districts, and shall fix the times and places at each county seat in each district where the district court shall be held and designate the judge who shall preside therein. And the territory not embraced in organized counties shall be attached for judicial purposes to such organized county or counties as the supreme court may determine. The supreme court of said Territory shall appoint its own clerk, who shall hold his office at the pleasure of the court for which he is appointed. Each district court shall appoint its clerk, who shall also be the register in chancery, and shall keep his office where the court may be held. Writs of error, bills of exception, and appeals shall be allowed in all cases from the final decisions of said district courts to the supreme court under such regulations as may be prescribed by law, but in no case removed to the supreme court shall trial by jury be allowed in said court. Writs of error and appeals from the final decisions of said supreme court shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by oath or affirmation of either party or other competent witness, shall exceed \$5,000; and each of the said district courts shall have and exercise, exclusive of any court heretofore established, the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States.

"In addition to the jurisdiction otherwise conferred by this act, said district courts shall have and exercise exclusive original jurisdiction over all offenses against the laws of the United States committed within that portion of the Cherokee Outlet not embraced within the boundaries of said Territory of Oklahoma as herein defined, and in all civil cases between citizens of the United States residing in such portion of the Cherokee Outlet, or between citizens of the United States or of any State or Territory and any citizen of or person or persons

residing or found therein, when the value of the thing in controversy or damages or money claimed shall exceed \$100; writs of error, bills of exceptions, and appeals shall in all such cases, civil and criminal, be allowed from the district courts to the supreme court in like manner and be proceeded with in like manner as in cases arising within the limits of said Territory.

"For all judicial purposes as herein defined such portion of the Cherokee Outlet not embraced within the boundaries of the Territory of Oklahoma shall be attached to and be a part of one of the judicial districts of said Territory as may be designated by the supreme court. All acts and parts of acts heretofore enacted, conferring jurisdiction upon United States courts held beyond and outside the limits of the Territory of Oklahoma as herein defined, as to all causes of action or offenses in said Territory, and in that portion of the Cherokee Outlet heretofore referred to, are hereby repealed, and such jurisdiction is hereby given to the supreme and district courts in said Territory; but all actions commenced in such courts and crimes committed in said Territory and in the Cherokee Outlet prior to the passage of this act shall be tried and prosecuted and proceeded with until finally disposed of in the courts now having jurisdiction thereof, as if this act had not been passed. The said supreme and district courts of said Territory and the respective judges thereof shall and may grant writs of mandamus and habeas corpus in all cases authorized by law; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws; and writs of error and appeals in all such cases shall be made to the supreme court of said Territory, as in other cases.

"Sec. 10. Persons charged with any offense or crime in the Territory of Oklahoma, and for whose arrest a warrant has been issued, may be arrested by the United States marshal or any of his deputies, wherever found in said Territory; but in all cases the accused shall be taken, for preliminary examination, before a United States commissioner or a justice of the peace of the county whose office is nearest to the place where the offense or crime was committed.

"All offenses committed in said Territory, if committed within any organized county, shall be prosecuted and tried within said county, and if committed within territory not embraced in any organized county shall be prosecuted and tried in the county to which such territory shall be attached for judicial purposes. And all civil actions shall be instituted in the county in which the defendant, or either of them, resides or may be found; and when such actions arise within any portion of said Territory not organized as a county such actions shall be instituted in the county to which such territory is attached for judicial purposes, but any case, civil or criminal, may be removed, by change of venue, to another county.

"Sec. 11. That the following chapters and provisions of the Compiled Laws of the State of Nebraska, in force November 1, 1889, in so far as they are locally applicable and not in conflict with the laws of the United States or with this act, are hereby extended to and put in force in the Territory of Oklahoma until after the adjournment of the first session of the Legislative Assembly of said Territory, namely: The provisions of articles 2, 3 and 4 of chapter 2, entitled 'Agriculture'; of chapter 4, entitled 'Animals'; of chapter 6, entitled 'Assignments'; of chapter 7, entitled 'Attorneys'; of chapter 10, entitled 'Bonds and oaths—official'; of chapter 12, entitled 'Chattel mortgages'; of chapter 14, entitled 'Cities of the second class and villages'; of chapter 15, entitled 'Common law'; of chapter 16, entitled 'Corporations'; of chapter 18, entitled 'Counties and county officers'; of sections 15 and 16 of article 6 of the constitution of said State and of chapter 20 of said laws, entitled 'Courts—probate'; of chapter 23, entitled 'Decedents'; of chapter 24, entitled 'Deputies'; of chapter 25, entitled 'Divorce and alimony'; of chapter 26, entitled 'Elections'; of chapter 28, entitled 'Fees'; of chapter 32, entitled 'Frauds'; of chapter 34, entitled 'Guardians and wards'; of chapter 36, entitled 'Homesteads'; of chapter 41, entitled 'Instruments negotiable'; of chapter 44, entitled 'Interest'; of chapter 45, entitled 'Jails'; of chapter 50, entitled 'Liquors' (but no licenses shall be issued under this chapter); of chapter 52, entitled 'Marriage'; of chapter 53, entitled 'Married women'; of chapter 54, entitled 'Mechanics and laborers' liens'; of chapter 61, entitled 'Notaries public'; of chapter 62, entitled 'Oaths and affirmations'; of chapter 63, entitled 'Occupying claimants'; of article 1 of chapter 72, entitled 'Railroads'; of chapter 73, entitled 'Real estate'; and the provisions of part 2 of said laws, entitled 'Code of civil procedure,' and of part 3 thereof, entitled 'Criminal code.'

"The governor of said Territory is authorized to divide each county into election precincts and into such political subdivisions other than school districts as may be required by the laws of the State of Nebraska; and he is hereby authorized to appoint all officers of such counties and subdivisions thereof as he shall deem necessary and all election officers until their election or appointment shall be provided for by the Legislative Assembly but not more than two of the judges or inspectors of election in any election precinct shall be members of the same political party, and the candidates of each political party who may be voted for at such election may designate one person who shall be present at the counting and canvassing of the votes cast in each precinct.

"The supreme and district courts of said Territory shall have the same power to enforce the laws of the State of Nebraska hereby extended to and put in force in said Territory as courts of like jurisdiction have in said State; but county courts and justices of the peace shall have and exercise the jurisdiction which is authorized by said laws of Nebraska: *Provided*, That the jurisdiction of justices of the peace in said Territory shall not exceed the sum of \$100, and county courts shall have jurisdiction in all cases where the sum or matter in demand exceeds the sum of \$100.

"Sec. 12. That jurisdiction is hereby conferred upon the district courts in the Territory of Oklahoma over all controversies arising between members or citizens of one tribe or nation of Indians and the members or citizens of other tribes or nations in the Territory of Oklahoma, and any citizen or member of one tribe or nation who may commit any offense or crime in said Territory against the person or property of a citizen or member of another tribe or nation shall be subject to the same punishment in the Territory of Oklahoma as he would be if both parties were citizens of the United States; and any person residing in the Territory of Oklahoma in whom there is Indian blood shall have the right to invoke the aid of courts therein for the protection of his person or property, as though he were a citizen of the United States: *Provided*, That nothing in this act contained shall be so construed as to give jurisdiction to the courts established in said Territory in controversies arising between Indians of the same tribe, while sustaining their tribal relation.

"Sec. 13. That there shall be appointed for said Territory a person learned in the law, who shall act as attorney for the United States, and shall continue in office for four years and until his successor is appointed and qualified, unless sooner removed by the President. Said attorney shall receive a salary at the rate of \$250 annually. There shall be appointed a marshal for said Territory, who shall hold his office for four years and until his successor is appointed and qualified, unless sooner removed by the President, and who shall execute all process issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States; he shall have the power and perform the duties and be subject to the same regulations and penalties imposed by law on the marshal of the United States, and be entitled to a salary at the rate of \$200 a year. There shall be allowed to the attorney, marshal, clerks of the supreme and district courts the same fees as are prescribed for similar services by such persons in chapter 16, title 'Judiciary,' of the Revised Statutes of the United States.

"Sec. 14. That the governor, secretary, chief justice and associate justices, attorney, and marshal shall be nominated and, by and with the advice and consent of the Senate, appointed by the President of the United States. The gover-

nor and secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation before the district judge, or some justice of the peace, or other officer in the limits of said Territory duly authorized to administer oaths and affirmations by the laws now in force therein, or before the Chief Justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be received and recorded by the secretary among the executive proceedings, and the chief justice and associate justices and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be recorded by him as aforesaid, and afterwards the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law.

"The governor shall receive an annual salary of \$2,600 as governor, the chief justice and associate justices shall receive an annual salary of \$3,000, and the secretary shall receive an annual salary of \$1,800. The said salaries shall be payable quarterly yearly at the Treasury of the United States. The members of the Legislative Assembly shall be entitled to receive \$4 each per day during their attendance at the sessions and \$4 for each and every 20 miles traveled in going to and returning from said sessions, estimating the distance by the nearest traveled route. There shall be appropriated annually the sum of \$1,000, to be expended by the governor to defray the contingent expenses of the Territory. There shall also be appropriated annually a sufficient sum, to be expended by the secretary, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, of the courts, the printing of the laws, and other incidental expenses; and the secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

"Sec. 15. That the Legislative Assembly of the Territory of Oklahoma shall hold its first session at Guthrie, in said Territory, at such time as the governor thereof shall appoint and direct; and, at said first session or as soon thereafter as they shall deem expedient, the governor and Legislative Assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by the said governor and Legislative Assembly.

"Sec. 16. That a Delegate to the House of Representatives of the United States, to serve during each Congress of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the Delegates from the several other Territories of the United States in the said House of Representatives. The first election shall be held at such time and place, and be conducted in such manner as the governor shall appoint and direct, after at least sixty days' notice, to be given by proclamation, and at all subsequent elections the time, place, and manner of holding elections shall be prescribed by law. The person having the greatest number of votes of the qualified electors, as hereinbefore provided, shall be declared by the governor elected and a certificate thereof shall be accordingly given.

"Sec. 17. That the provisions of Title LXII of the Revised Statutes of the United States, relating to national banks, and all amendments thereto, shall have the same force and effect in the Territory of Oklahoma as elsewhere in the United States: *Provided*, That persons otherwise qualified to act as directors shall not be required to have resided in said Territory for more than three months immediately preceding their election as such.

"Sec. 18. That sections numbered 16 and 36 in each township in said Territory shall be, and the same are hereby reserved for the purpose of being applied to public schools in the State or States hereafter to be erected out of the same. In all cases where sections 16 and 36, or either of them, are occupied by actual settlers prior to survey thereof, the county commissioners of the counties in which such sections are so occupied are authorized to locate other lands, to an equal amount, in sections or fractional sections, as the case may be, within their respective counties, in lieu of the sections so occupied.

"All the lands embraced in that portion of the Territory of Oklahoma heretofore known as the Public Land Strip shall be open to settlement under the provisions of the homestead laws of the United States, except section 2301 of the Revised Statutes, which shall not apply; but all actual and bona fide settlers upon and occupants of the lands in said Public Land Strip at the time of the passage of this act shall be entitled to have preference to and hold the lands upon which they have settled under the homestead laws of the United States, by virtue of their settlement and occupancy of said lands, and they shall be credited with the time they have actually occupied their homesteads, respectively, not exceeding two years, on the time required under said law to perfect title as homestead settlers.

"The lands within said Territory of Oklahoma, acquired by cession of the Muscogee (or Creek) Nation of Indians, confirmed by act of Congress approved March 1, 1889, and also the lands acquired in pursuance of an agreement with the Seminole Nation of Indians by release and conveyance, dated March 16, 1889, which may hereafter be open to settlement, shall be disposed of under the provisions of sections 12, 13, and 14 of the 'Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes,' approved March 2, 1889, and under section 2 of 'An act to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes,' approved March 1, 1889: *Provided*, however, That each settler under and in accordance with the provisions of said acts shall, before receiving a patent for his homestead, on the land hereafter opened to settlement as aforesaid, pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of \$1.25 per acre.

"Whenever any of the other lands within the Territory of Oklahoma now occupied by any Indian tribe shall, by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of to actual settlers only, under the provisions of the homestead law, except section 2301 of the Revised Statutes of the United States, which shall not apply: *Provided*, however, That each settler, under and in accordance with the provisions of said homestead laws, shall before receiving a patent for his homestead pay to the United States for the land so taken by him, in addition to the fees provided by law, a sum per acre equal to the amount which has been or may be paid by the United States to obtain a relinquishment of the Indian title or interest therein, but in no case shall such payment be less than \$1.25 per acre. The rights of honorably discharged soldiers and sailors in the late civil war, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States, shall not be abridged except as to such payment.

"All tracts of land in Oklahoma Territory which have been set apart for school purposes to educational societies or missionary boards at work among the Indians shall not be open for settlement, but are hereby granted to the respective educational societies or missionary boards for whose use the same has been set apart. No part of the land embraced within the Territory hereby created shall inure to the use or benefit of any railroad corporation, except the rights of way and land for stations heretofore granted to certain railroad corporations. Nor shall any provision of this act or any act of any officer of the United States, done or performed under the provisions of this act or otherwise, invest any cor-

poration owning or operating any railroad in the Indian Territory, or Territory created by this act, with any land or right to any land in either of said Territories, and this act shall not apply to or affect any land which, upon any condition on becoming a part of the public domain, would inure to the benefit of or become the property of any railroad corporation.

"Sec. 19. That portion of the Territory of Oklahoma heretofore known as the Public Land Strip is hereby declared a public land district, and the President of the United States is hereby empowered to locate a land office in said district, at such place as he shall select, and to appoint in conformity with existing law a register and receiver of said land office. He may also, whenever he shall deem it necessary, establish another additional land district within said Territory, locate a land office therein, and in like manner appoint a register and receiver thereof. And the Commissioner of the General Land Office shall, when directed by the President, cause the lands within the Territory to be properly surveyed and subdivided where the same has not already been done.

"Sec. 20. That the procedure in applications, entries, contests, and adjudications in the Territory of Oklahoma shall be in form and manner prescribed under the homestead laws of the United States, and the general principles and provisions of the homestead laws, except as modified by the provisions of this act and the acts of Congress approved March 1 and 2, 1889, heretofore mentioned, shall be applicable to all entries made in said Territory, but no patent shall be issued to any person who is not a citizen of the United States at the time of making final proof.

"All persons who shall settle on land in said Territory under the provisions of the homestead laws of the United States and of this act shall be required to select the same in square form as nearly as may be; and no person who shall at the time be seized in fee-simple of 160 acres of land in any State or Territory shall hereafter be entitled to enter land in said Territory of Oklahoma. The provisions of sections 2304 and 2305 of the Revised Statutes of the United States shall, except so far as modified by this act, apply to all homestead settlements in said Territory.

"Sec. 21. That any person, entitled by law to take a homestead in said Territory of Oklahoma, who has already located and filed upon, or shall hereafter locate and file upon, a homestead within the limits described in the President's proclamation of April 1, 1889, and under and in pursuance of the laws applicable to the settlement of the lands opened for settlement by such proclamation, and who has complied with all the laws relating to such homestead settlement, may receive a patent therefor at the expiration of twelve months from date of locating upon said homestead upon payment to the United States of \$1.25 per acre for land embraced in such homestead.

"Sec. 22. That the provisions of Title XXXII, chapter 8, of the Revised Statutes of the United States, relating to 'Reservation and sale of town sites on the public lands,' shall apply to the lands open or to be opened to settlement in the Territory of Oklahoma, except those opened to settlement by the proclamation of the President on the 22d day of April, 1889: *Provided*, That hereafter all surveys for town sites in said Territory shall contain reservations for parks of substantially equal area if more than one park; and for schools and other public purposes, embracing in the aggregate not less than 10 nor more than 20 acres; and patents for such reservations, to be maintained for such purposes, shall be issued to the towns respectively when organized as municipalities: *Provided further*, That in case any lands in said Territory of Oklahoma which may be occupied and filed upon as a homestead, under the provisions of law applicable to said Territory, by a person who is entitled to perfect his title thereto under such laws, are required for town-site purposes, it shall be lawful for such person to apply to the Secretary of the Interior to purchase the lands embraced in said homestead or any part thereof for town-site purposes. He shall file with the application a plat of such proposed town site, and if such plat shall be approved by the Secretary of the Interior he shall issue a patent to such person for land embraced in said town site, upon the payment of the sum of \$10 per acre for all the lands embraced in such town site, except the lands to be donated and maintained for public purposes as provided in this section. And the sums so received by the Secretary of the Interior shall be paid over to the proper authorities of the municipalities when organized, to be used by them for school purposes only.

"Sec. 23. That there shall be reserved public highways 4 rods wide between each section of land in said Territory, the section lines being the center of said highways; but no deduction shall be made, where cash payments are provided for, in the amount to be paid for each quarter-section of land by reason of such reservation. But if the said highway shall be vacated by any competent authority the title to the respective strips shall inure to the then owner of the tract of which it formed a part by the original survey.

"Sec. 24. That it shall be unlawful for any person, for himself or any company, association, or corporation, to directly or indirectly procure any person to settle upon any lands open to settlement in the Territory of Oklahoma with intent thereafter of acquiring title thereto, and any title thus acquired shall be void, and the parties to any such fraudulent settlement shall severally be guilty of a misdemeanor and shall be punished, upon indictment, by imprisonment not exceeding twelve months or by a fine not exceeding \$1,000, or by both such fine and imprisonment, in the discretion of the court.

"Sec. 25. That inasmuch as there is a controversy between the United States and the State of Texas as to the ownership of what is known as Greer County, it is hereby expressly provided that this act shall not be construed to apply to said Greer County until the title of the same has been adjudicated and determined to be in the United States; and in order to provide for a speedy and final judicial determination of the controversy aforesaid the Attorney-General of the United States is hereby authorized and directed to commence in the name and on behalf of the United States, and prosecute to a final determination, a proper suit in equity in the Supreme Court of the United States against the State of Texas, setting forth the title and claim of the United States to the tract of land lying between the North and South Forks of the Red River where the Indian Territory and the State of Texas adjoin, east of the one hundredth degree of longitude, and claimed by the State of Texas as within its boundary and a part of its land and designated on its map as Greer County, in order that the right title to said land may be finally determined, and the court on the trial of the case, may, in its discretion, so far as the ends of justice will warrant, consider any evidence heretofore taken and received by the Joint Boundary Commission under the act of Congress approved January 31, 1883; and said case shall be advanced on the docket of said court and proceeded with to its conclusion as rapidly as the nature and circumstances of the case permit.

"Sec. 26. That the following sums, or so much thereof as may be necessary, are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be disbursed under the direction of the Secretary of the Interior in the same manner that similar appropriations are disbursed in the other Territories of the United States, namely:

"To pay the expenses of the first Legislative Assembly of said Territory, including the printing of the session laws thereof, the sum of \$40,000.

"To pay the salaries of the governor, the judges of the supreme court, the secretary of the Territory, the marshal, the attorney, and other officers whose appointment is provided for in this act, for the remainder of the fiscal year ending June 30, 1890, the sum of \$20,000.

"To pay for the rent of buildings for the legislative and executive offices, and for the supreme and district courts; to provide jails and support prisoners; to pay mileage and per diem of jurors and witnesses; to provide books, records, and stationery for the executive and judicial offices for the remainder of the fiscal year ending June 30, 1890, the sum of \$15,000.

"To enable the governor to take a census of the inhabitants of said Territory, as required by law, the sum of \$5,000.

"To be expended by the governor in temporary support and aid of common-school education in said Territory, as soon as a system of public schools shall have been established by the Legislative Assembly, the sum of \$50,000.

"Sec. 27. That the provisions of this act shall not be so construed as to invalidate or impair any legal claims or rights of persons occupying any portion of said Territory under the laws of the United States, but such claims shall be adjudicated by the Land Department or the courts in accordance with their respective jurisdictions.

"Sec. 28. That the Constitution and all the laws of the United States not locally inapplicable shall, except so far as modified by this act, have the same force and effect as elsewhere within the United States; and all acts and parts of acts in conflict with the provisions of this act are as to their effect in said Territory of Oklahoma hereby repealed: *Provided*, That section 1850 of the Revised Statutes of the United States shall not apply to the Territory of Oklahoma.

"Sec. 29. That all that part of the United States which is bounded on the north by the State of Kansas, on the east by the States of Arkansas and Missouri, on the south by the State of Texas, and on the west and north by the Territory of Oklahoma as defined in the first section of this act, shall, for the purposes of this act, be known as the Indian Territory; and the jurisdiction of the United States court established under and by virtue of an act entitled 'An act to establish a United States court in the Indian Territory, and for other purposes,' approved March 1, 1889, is hereby limited to and shall extend only over the Indian Territory as defined in this section; that the court established by said act shall, in addition to the jurisdiction conferred thereon by said act, have and exercise within the limits of the Indian Territory jurisdiction in all civil cases in the Indian Territory, except cases over which the tribal courts have exclusive jurisdiction, and in all cases on contracts entered into by citizens of any tribe or nation with citizens of the United States in good faith and for valuable consideration, and in accordance with the laws of such tribe or nation, and such contracts shall be deemed valid and enforced by such courts, and in all cases over which jurisdiction is conferred by this act or may hereafter be conferred by act of Congress; and the provisions of this act hereinafter set forth shall apply to said Indian Territory only.

"Sec. 30. That for the purpose of holding terms of said court said Indian Territory is hereby divided into three divisions, to be known as the first, second, and third division. The first division shall consist of the country occupied by the Indian tribes in the Quapaw Indian agency and all that part of the Cherokee country east of the ninety-sixth meridian and all of the Creek country, and the place for holding said court therein shall be at Muscogee. The second division shall consist of the Choctaw country, and the place for holding said court therein shall be at South McAlester. The third division shall consist of the Chickasaw and Seminole countries, and the place for holding said court therein shall be at Ardmore. That the Attorney-General of the United States may, if in his judgment it shall be necessary, appoint an assistant attorney for said court. And the clerk of said court shall appoint a deputy clerk in each of said divisions in which said clerk does not himself reside at the place in such division where the terms of said court are to be held. Such deputy clerk shall keep his office and reside at the place appointed for holding said court in the division of such residence, and shall keep the records of said court for such division, and in the absence of the clerk may exercise all the official powers of the clerk within the division for which he is appointed: *Provided*, That the appointment of such deputies shall be approved by said United States court in the Indian Territory, and may be annulled by said court at its pleasure, and the clerk shall be responsible for the official acts and negligence of his respective deputies. The judge of said court shall hold at least two terms of said court each year in each of the divisions aforesaid, at such regular times as said judge shall fix and determine, and shall be paid his actual traveling expenses and subsistence while attending and holding court at places other than Muscogee. And jurors for each term of said court, in each division, shall be selected and summoned in the manner provided in said act, three jury commissioners to be selected by said court for each division, who shall possess all the qualifications and perform in said division all the duties required of the jury commissioners provided for in said act. All prosecutions for crimes or offenses hereafter committed in said Indian Territory shall be cognizable within the division in which such crime or offense shall have been committed. And all civil suits shall be brought in the division in which the defendant or defendants reside or may be found; but if there be two or more defendants residing in different divisions the action may be brought in any division in which either of the defendants resides or may be found. And all cases shall be tried in the division in which the process is returnable as herein provided, unless said judge shall direct such case to be removed to one of the other divisions: *Provided, however*, That the judicial tribunals of the Indian nations shall retain exclusive jurisdiction in all civil and criminal cases arising in the country in which members of the nation by nativity or by adoption shall be the only parties; and as to all such cases the laws of the State of Arkansas extended over and put in force in said Indian Territory this act shall not apply.

"Sec. 31. That certain general laws of the State of Arkansas in force at the close of the session of the General Assembly of that State of 1883, as published in 1884 in the volume known as Mansfield's Digest of the Statutes of Arkansas, which are not locally inapplicable or in conflict with this act or with any law of Congress relating to the subjects specially mentioned in this section, are hereby extended over and put in force in the Indian Territory until Congress shall otherwise provide; that is to say, the provisions of the said general statutes of Arkansas relating to administration, chapter 1, and the United States court in the Indian Territory herein referred to shall have and exercise the powers of courts of probate under said laws; to public administrators, chapter 2, and the United States marshal of the Indian Territory shall perform the duties imposed by said chapter on the sheriffs in said State; to arrest and bail—civil, chapter 7; to assignment for benefit of creditors, chapter 8; to attachments, chapter 9; to attorneys at law, chapter 11; to bills of exchange and promissory notes, chapter 14; to civil rights, chapter 18; to common and statute law of England, chapter 20; to contempt, chapter 26; to municipal corporations, chapter 29, division 1; to costs, chapter 30; to descents and distributions, chapter 49; to divorce, chapter 52, and said court in the Indian Territory shall exercise the powers of the circuit courts of Arkansas under this chapter; to dower, chapter 52; to evidence, chapter 59; to execution, chapter 60; to fees, chapter 63; to forcible entry and detainer, chapter 67; to frauds, statute of, chapter 68; to fugitives from justice, chapter 69; to gaming contracts, chapter 70; to guardians, curators, and wards, chapter 73, and said court in the Indian Territory shall appoint guardians and curators; to habeas corpus, chapter 74; to injunction, chapter 81; to insane persons and drunkards, chapter 82, and said court in the Indian Territory shall exercise the powers of the probate courts of Arkansas under this chapter; to joint and several obligations and contracts, chapter 87; to judgments and decrees, chapter 83; to judgments—summary, chapter 89; to jury, chapter 90; to landlord and tenant, chapter 92; to legal notices and advertisements, chapter 94; to liens, chapter 96; to limitations, chapter 97; to mandamus and prohibition, chapter 100; to marriage contracts, chapter 102; to marriages, chapter 103; to married women, chapter 104; to money and interest, chapter 109; to mortgages, chapter 110; to notaries public, chapter 111, and said court in the Indian Territory shall appoint notaries public under this chapter; to partition and sale of lands, chapter 115; to pleadings and practice, chapter 119; to recorders, chapter 126; to replevin, chapter 128; to

venue, change of, chapter 153; and to wills and testaments, chapter 155; and wherever in said laws of Arkansas the courts of record of said State are mentioned the said court in the Indian Territory shall be substituted therefor; and wherever the clerks of said courts are mentioned in said laws the clerk of said court in the Indian Territory and his deputies, respectively, shall be substituted therefor; and wherever the sheriff of the county is mentioned in said laws the United States marshal of the Indian Territory shall be substituted therefor, for the purpose, in each of the cases mentioned, of making said laws of Arkansas applicable to the Indian Territory.

"That no attachment shall issue against improvements on real estate while the title to the land is vested in any Indian nation, except where such improvements have been made by persons, companies, or corporations operating coal or other mines, railroads, or other industries under lease or permission of law of an Indian national council, or charter, or law of the United States.

"That executions upon judgments obtained in any other than Indian courts shall not be valid for the sale or conveyance of title to improvements made upon lands owned by an Indian nation, except in the cases wherein attachments are provided for. Upon a return of *nulla bona*, upon an execution upon any judgment against an adopted citizen of any Indian tribe or against any person residing in the Indian country and not a citizen thereof, if the judgment debtor shall be the owner of any improvements upon real estate within the Indian Territory in excess of 160 acres occupied as a homestead, such improvements may be subjected to the payment of such judgment by a decree of the court in which such judgment was rendered. Proceedings to subject such property to the payment of judgments may be by petition, of which the judgment debtor shall have notice as in the original suit.

"If on the hearing the court shall be satisfied from the evidence that the judgment debtor is the owner of improvements on real estate subject to the payment of said judgment, the court may order the same sold, and the proceeds, or so much thereof as may be necessary to satisfy said judgment and costs, applied to the payment of said judgment; or if the improvement is of sufficient rental value to discharge the judgment within a reasonable time the court may appoint a receiver, who shall take charge of such property and apply the rental receipts thereof to the payment of such judgment, under such regulations as the court may prescribe. If under such proceeding any improvement is sold only citizens of the tribe in which said property is situate may become the purchaser thereof.

"The Constitution of the United States and all general laws of the United States which prohibit crimes and misdemeanors in any place within the sole and exclusive jurisdiction of the United States, except in the District of Columbia, and all laws relating to national-banking associations shall have the same force and effect in the Indian Territory as elsewhere in the United States; but nothing in this act shall be so construed as to deprive any of the courts of the civilized nations of exclusive jurisdiction over all cases arising wherein members of said nations, whether by treaty, blood, or adoption, are the sole parties, nor so as to interfere with the right and power of said civilized nations to punish said members for violation of the statutes and laws enacted by their national councils where such laws are not contrary to the treaties and laws of the United States.

"Sec. 32. That the word 'county,' as used in any of the laws of Arkansas which are put in force in the Indian Territory by the provisions of this act, shall be construed to embrace the territory within the limits of a judicial division in said Indian Territory; and whenever in said laws of Arkansas the word 'county' is used, the words 'judicial division' may be substituted therefor in said Indian Territory for the purposes of this act. And whenever in said laws of Arkansas the word 'State' or the words 'State of Arkansas' are used, the word 'Territory' or the words 'Indian Territory' may be substituted therefor, for the purposes of this act and for the purpose of making said laws of Arkansas applicable to the said Indian Territory; but all prosecutions therein shall run in the name of the 'United States.'

"Sec. 33. That the provisions of chapter 45 of the said general laws of Arkansas, entitled 'Criminal law,' except as to the crimes and misdemeanors mentioned in the provisions to this section, and the provisions of chapter 45 of said general laws of Arkansas, entitled 'Criminal procedure,' as far as they are applicable, are hereby extended over and put in force in the Indian Territory, and jurisdiction to enforce said provisions is hereby conferred upon the United States court therein: *Provided*, That in all cases where the laws of the United States and the said criminal laws of Arkansas have provided for the punishment of the same offenses the laws of the United States shall govern as to such offenses: *And provided further*, That the United States circuit and district courts, respectively, for the western district of Arkansas and the eastern district of Texas, respectively, shall continue to exercise exclusive jurisdiction as now provided by law in the Indian Territory as defined in this act, in their respective districts as heretofore established, over all crimes and misdemeanors against the laws of the United States applicable to the said Territory, which are punishable by said laws of the United States by death or by imprisonment at hard labor, except as otherwise provided in the following sections of this act.

"Sec. 34. That original jurisdiction is hereby conferred upon the United States court in the Indian Territory to enforce the provisions of Title XXVIII, chapters 3 and 4, of the Revised Statutes of the United States in said Territory, except the offenses defined and embraced in sections 2142 and 2143: *Provided*, That as to the violations of the provisions of section 2139 of said Revised Statutes the jurisdiction exercised in the enforcement of such provisions by the United States courts for the western district of Arkansas and the eastern district of Texas: *Provided*, That all violations of said chapters 3 and 4 prior to the passage of this act shall be prosecuted in the said United States courts, respectively, the same as if this act had not been passed.

"Sec. 35. That exclusive original jurisdiction is hereby conferred upon the United States court in the Indian Territory to enforce the provisions of chapter 4, Title LXX, of the Revised Statutes of the United States, entitled 'Crimes against justice,' in all cases where the crimes mentioned therein are committed in any judicial proceeding in the Indian Territory and where such crimes affect or impede the enforcement of the laws in the courts established in said Territory: *Provided*, That all violations of the provisions of said chapter prior to the passage of this act shall be prosecuted in the United States courts for the western district of Arkansas and the eastern district of Texas, respectively, the same as if this act had not been passed.

"Sec. 36. That jurisdiction is hereby conferred upon the United States court in the Indian Territory over all controversies arising between members or citizens of one tribe or nation of Indians and the members or citizens of other tribes or nations in the Indian Territory, and any citizen or member of one tribe or nation who may commit any offense or crime against the person or property of a citizen or member of another tribe or nation shall be subject to the same punishment in the Indian Territory as he would be if both parties were citizens of the United States. And any member or citizen of any Indian tribe or nation in the Indian Territory shall have the right to invoke the aid of said court therein for the protection of his person or property as against any person not a member of the same tribe or nation, as though he were a citizen of the United States.

"Sec. 37. That if any person shall, in the Indian Territory, open, carry on, promote, make, or draw, publicly or privately, any lottery, or scheme of chance of any kind or description, by whatever name, style, or title the same may be denominated or known, or shall, in said Territory, vend, sell, barter, or dispose of any lottery ticket or tickets, order or orders, device or devices, of any kind, for or

representing any number of shares or any interest in any lottery or scheme of chance, or shall open or establish as owner or otherwise any lottery or scheme of chance in said Territory, or shall be in anywise concerned in any lottery or scheme of chance, by acting as owner or agent in said Territory, for or on behalf of any lottery or scheme of chance, to be drawn, paid, or carried on, either out of or within said Territory, every such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined, for the first offense, not exceeding \$500, and for the second offense shall, on conviction, be fined not less than \$300 and not exceeding \$5,000, and he may be imprisoned, in the discretion of the court, not exceeding one year. And jurisdiction to enforce the provisions of this section is hereby conferred upon the United States court in said Indian Territory, and all persons therein, including Indians and members and citizens of Indian tribes and nations, shall be subject to its provisions and penalties.

"Sec. 38. The clerk and deputy clerks of said United States court shall have the power within their respective divisions to issue marriage licenses or certificates and to solemnize marriages. They shall keep copies of all marriage licenses or certificates issued by them, and a record book in which shall be recorded all licenses or certificates after the marriage has been solemnized, and all persons authorized by law to solemnize marriages shall return the license or certificate, after executing the same, to the clerk or deputy clerk who issued it, together with his return thereon. They shall also be *ex officio* recorders within their respective divisions, and as such they shall perform such duties as are required of recorders of deeds under the said laws of Arkansas, and receive the fees and compensation therefor which are provided in said laws of Arkansas for like service: *Provided*, That all marriages heretofore contracted under the laws or tribal customs of any Indian nation now located in the Indian Territory are hereby declared valid, and the issue of such marriages shall be deemed legitimate and entitled to all inheritances of property or other rights, the same as in the case of the issue of other forms of lawful marriage: *Provided further*, That said chapter 103 of said laws of Arkansas shall not be construed so as to interfere with the operation of the laws governing marriage enacted by any of the civilized tribes, nor to confer any authority upon any officer of said court to unite a citizen of the United States in marriage with a member of any of the civilized nations until the preliminaries to such marriage shall have first been arranged according to the laws of the nation of which said Indian person is a member: *And provided further*, That where such marriage is required by law of an Indian nation to be of record the certificate of such marriage shall be sent for record to the proper officer, as provided in such law enacted by the Indian nation.

"Sec. 39. That the United States court in the Indian Territory shall have all the powers of the United States circuit courts or circuit court judges to appoint commissioners within said Indian Territory, who shall be learned in the law and shall be known as United States commissioners; but not exceeding three commissioners shall be appointed for any one division, and such commissioners when appointed shall have, within the district to be designated in the order appointing them, all the powers of commissioners of circuit courts of the United States. They shall be *ex officio* notaries public and shall have power to solemnize marriages. The provisions of chapter 91 of the said laws of Arkansas, regulating the jurisdiction and procedure before justices of the peace, are hereby extended over the Indian Territory; and said commissioners shall exercise all the powers conferred by the laws of Arkansas upon justices of the peace within their districts; but they shall have no jurisdiction to try any cause where the value of the thing or the amount in controversy exceeds \$100.

"Appeals may be taken from the final judgment of said commissioners to the United States court in said Indian Territory in all cases and in the same manner that appeals may be taken from the final judgments of justices of the peace under the provisions of said chapter 91. The said court may appoint a constable for each of the commissioner's districts designated by the court, and the constable so appointed shall perform all the duties required of constables under the provision of chapter 24 and other laws of the State of Arkansas. Each commissioner and constable shall execute to the United States, for the security of the public, a good and sufficient bond, in the sum of \$5,000, to be approved by the judge appointing him, conditioned that he will faithfully discharge the duties of his office and account for all moneys coming into his hands, and he shall take an oath to support the Constitution of the United States and to faithfully perform the duties required of him.

"The appointments of United States commissioners by said court held at Muskogee, in the Indian Territory, heretofore made, and all acts in pursuance of law and in good faith performed by them, are hereby ratified and validated.

"Sec. 40. That persons charged with any offense or crime in the Indian Territory, and for whose arrest a warrant has been issued, may be arrested by the United States marshal or any of his deputies, wherever found in said Territory, but in all cases the accused shall be taken, for preliminary examination, before the commissioner in the judicial division whose office or place of business is nearest by the route usually traveled to the place where the offense or crime was committed; but this section shall apply only to crimes or offenses over which the courts located in the Indian Territory have jurisdiction: *Provided*, That in all cases where persons have been brought before a United States commissioner in the Indian Territory for preliminary examination, charged with the commission of any crime therein, and where it appears from the evidence that a crime has been committed, and that there is probable cause to believe the accused guilty thereof, but that the crime is one over which the courts in the Indian Territory have no jurisdiction, the accused shall not, on that account, be discharged, but the case shall be proceeded with as provided in section 1014 of the Revised Statutes of the United States.

"Sec. 41. That the judge of the United States court in the Indian Territory shall have the same power to extradite persons who have taken refuge in the Indian Territory, charged with crimes in the States or other Territories of the United States, that may now be exercised by the governor of Arkansas in that State, and he may issue requisitions upon governors of States and other Territories for persons who have committed offenses in the Indian Territory, and who have taken refuge in such States or Territories.

"Sec. 42. That appeals and writs of error may be taken and prosecuted from the decisions of the United States court in the Indian Territory to the Supreme Court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, except as otherwise provided in this act.

"Sec. 43. That any member of any Indian tribe or nation residing in the Indian Territory may apply to the United States court therein to become a citizen of the United States, and such court shall have jurisdiction thereof and shall hear and determine such application as provided in the statutes of the United States; and the Confederate Peoria Indians residing in the Quapaw Indian agency, who have heretofore or who may hereafter accept their land in severalty under any of the allotment laws of the United States, shall be deemed to be, and are hereby declared to be, citizens of the United States from and after the selection of their allotments, and entitled to all the rights, privileges, and benefits as such, and parents are hereby declared from that time to have been and to be the legal guardians of their minor children without process of court: *Provided*, That the Indians who become citizens of the United States under the provisions of this act do not forfeit or lose any rights or privileges they enjoy or are entitled to as members of the tribe or nation to which they belong.

"Sec. 44. That the following sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be disbursed under the direction of the Attorney-General of the

United States, in the same manner that similar appropriations are disbursed in the other Territories of the United States, namely:

"To pay the actual traveling and other expenses of the judge of the United States court holding court in said Indian Territory other than at Muskogee; to pay for the rent of buildings for the courts; to provide jails and support prisoners; to pay mileage and per diem of jurors and witnesses; to provide books, records, and stationery for the judicial offices for the remainder of the fiscal year ending June 13, 1890, the sum of \$10,000."

And that the House agree to the same.

And that the Senate recede from its disagreement to the amendment of the House to the title of said bill, and agree to the same amended so as to read as follows:

"A bill to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States courts in the Indian Territory, and for other purposes."

And that the House agree to the same.

I. S. STRUBLE,
B. W. PERKINS,
WILLIAM M. SPRINGER,
Managers on the part of the House.
ORVILLE H. PLATT,
SHELBY M. CULLOM,
JAMES K. JONES,
Managers on the part of the Senate.

STATEMENT OF HOUSE CONFEREES.

The managers on the part of the House submit the following statement showing the effect that the amendments proposed will have upon the measure.

The most important amendment which was insisted upon by the Senate conferees changes the boundaries of the proposed Territory of Oklahoma so as to exclude from the territorial limits what is known as the Cherokee Outlet. It is provided, however, that as soon as the Indian claim to this Outlet is extinguished it shall become a part of the Territory of Oklahoma without further legislation, and that the lands therein shall be opened to settlement as other lands in the said Territory. It is also provided that jurisdiction to enforce the laws of the United States in the Cherokee Outlet shall be conferred upon the supreme and district courts of the Territory of Oklahoma.

By the terms of the House bill certain sections of the Revised Statutes were referred to by their numbers, but the bill has been so amended that these sections are set forth at length in the bill, with such slight modifications thereof as are deemed necessary in order to adapt them to the conditions which exist in that Territory.

The House bill extended all of the laws of the State of Nebraska over the Territory of Oklahoma until after the adjournment of the first session of the Legislative Assembly of the Territory, but, as a number of the chapters in these laws were inapplicable or if extended to Oklahoma might produce confusion, the bill has been so amended that only those chapters of the laws of Nebraska which are necessary for putting in operation a temporary government in the Territory of Oklahoma and for providing for the urgent needs of the situation were put in force in that Territory by reference to the subject-matter and the chapter. Chapter 50 of the laws of Nebraska prohibits the sale of all kinds of liquors unless a license is obtained therefor, and the bill reported has been so amended that no license can be granted in the Territory thereunder. This change was made in order to conform to the vote of the House on that subject, and will continue in force until the adjournment of the first session of the Legislative Assembly, after which time the whole subject will be within the province of the people represented in the Territorial Legislature.

Seven counties have been established, as provided in the bill as it passed the House, and the county seats have been designated in the bill, the lines to be fixed by the governor, and the first Legislative Assembly is to meet at Guthrie, in said Territory, at such time as the governor may indicate.

The land features, as contained in the House bill, have been substantially preserved, with the exception that commutation at \$1.25 per acre is permitted as to land opened to settlement by the proclamation of the President on the 23d of April, 1889, after twelve months from the date of locating upon such land; and as to all lands in the Territory of Oklahoma not embraced in that proclamation, but which may be purchased from the Indians, an amount per acre will be charged hereafter sufficient to reimburse the Government for the price paid to the Indians for such lands, but not to be less in any case than \$1.25 per acre.

Town sites in the Territory of Oklahoma, outside of the land heretofore opened by the President's proclamation, will be taken and disposed of as provided in the general statutes of the United States on that subject, with the exception that the Secretary is authorized to reserve parks and grounds for public purposes in any proposed town site. Some other changes have been made in the land provisions, but not materially affecting the provisions of the bill as it passed the House.

The appropriation in the House bill of \$100,000 for the aid of common schools in the Territory of Oklahoma has been reduced to \$50,000, and the fund is to be expended in pursuance of laws passed by the Territorial Legislature.

The provision in regard to the settlement of the respective claims of the United States and the State of Texas to what is known as Greer County has been amended at the instance of the Senate conferees. As the bill passed the House it provided for a board of arbitration to consist of three persons, one to be appointed by the governor of Texas, one by the President of the United States, and a third by the joint appointment of the President and the governor. This provision has been stricken out and the provisions of the Senate bill on that subject have been inserted in lieu thereof. The new provision authorizes and requires the Attorney-General to institute suit in the Supreme Court of the United States against the State of Texas for the purpose of determining the respective claims of the United States and the State of Texas to Greer County. The suit, when brought up in the Supreme Court, is to be advanced on the docket and disposed of at the earliest time practicable.

While the House conferees preferred the provisions of the House bill, yet they concede that there is great merit in the provision reported on that subject. The decision will be by a larger tribunal and by one more learned in the law and freer from possible local bias of every kind than the tribunal provided for in the House bill; and we have no doubt a decision of that high tribunal on this important question will be such as will give entire satisfaction to all the people of the country, including the people of the State of Texas.

The provisions of the bill which related solely to the Indian Territory as it will hereafter be constituted, comprising the five civilized tribes, have been so amended as to provide that there shall be no additional judges appointed therefor, but that the said Indian Territory shall be divided into three judicial divisions, in each of which the judge of the United States court already established in that Territory shall hold two terms of court per annum. The judicial divisions remain the same as in the House bill, and the places for holding courts in these divisions are fixed at Muskogee, South McAlester, and at Ardmore.

The enlarged jurisdiction which was conferred upon courts in the Indian Territory by the House bill is preserved substantially in the bill now agreed upon by the conference committee, with the exception that the section conferring jurisdiction to determine rights of citizenship in the respective Indian tribes or nations and the provision requiring the instructions of the court to be in writing have been stricken out, and a new section has been added prohibiting lotteries in the Indian Territory and punishing all persons who may be engaged therein, directly or indirectly. A provision was also inserted subjecting the improve-

ments on real estate, if such improvements are owned by adopted citizens or others not citizens of the nation, to execution, if on petition the court shall be of the opinion that the defendant is the owner of such improvements. If the improvements should be sold under order of the court, none but citizens of the tribe or nation can become a purchaser thereof.

At the instance of the attorney of the Cherokee and other nations, several amendments were added more clearly and specifically guarding the rights of the citizens of those nations under their treaties with the United States. All of the provisions insisted upon by the representatives of Indian tribes and their attorneys were substantially ingrafted upon the bill and if any authorized representatives of any of the Indian nations in the Indian Territory are now opposing the legislation contained in the bill as now reported, we are not aware of it.

The conferees on the part of the Senate and the House have given careful and thorough consideration to all the details of the measure, and the House conferees earnestly recommend prompt and favorable action on the part of the House.

ISAAC S. STRUBLE,
B. W. PERKINS,
WILLIAM M. SPRINGER,
Managers on the part of the House of Representatives.

The SPEAKER *pro tempore* (after the reading of the conference report). The question is on agreeing to the report.

Mr. STRUBLE. Inasmuch as some gentlemen on the other side desire to take time to discuss this report, I deem it best to make a brief explanation of some of the changes.

Mr. HOOKER. Before you make your statement on this bill I think we had better have the statement of the House conferees read.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Mississippi that the Clerk has just read the conference report.

Mr. HOOKER. The Clerk has read the bill in the report of the conferees, but has not read the statement made by the House conferees. It is that I ask to have read.

Mr. SPRINGER. The statement is in the hands of the Clerk.

The statement of the House conferees was then read as above.

Mr. STRUBLE. Mr. Speaker, I ask unanimous consent for general leave to print remarks upon this report.

There was no objection, and it was so ordered.

Mr. STRUBLE. Mr. Speaker, I had expected to make some remarks at the outset upon the changes proposed in this report, but in view of the fact that the report was printed in the RECORD yesterday morning and has been read to-day, I shall for the present waive any statement I intended to make, and yield now three minutes' time to my colleague, the gentleman from Georgia [Mr. BARNES].

Mr. BARNES. Mr. Speaker, I do not expect to make any extended remarks in opposition to the passage of the conference report. The bill which has been presented in the report of the committee of conference is much more in accordance with my views than was the original House bill, especially that portion of it which excludes the Cherokee Outlet from the proposed Territory of Oklahoma. But, sir, I can not say that I subscribe to the conference report in full. While I do not propose to oppose its passage now and while I do not propose to say that it commends itself to my judgment in every respect, yet I believe that under all the circumstances it is the best measure attainable. While, therefore, I do not propose to make a speech in opposition to its adoption, yet, sir, in view of an avowal contained in the statement of the conferees, I feel that an implication might be drawn that the Indian tribes have assented to this bill in all its provisions. The statement of the House conferees recites:

At the instance of the attorney of the Cherokee and other nations several amendments were added more clearly and specifically guarding the rights of the citizens of those nations under their treaties with the United States. All of the provisions insisted upon by the representatives of Indian tribes and their attorneys were substantially ingrafted upon the bill, and if any authorized representatives of any of the Indian nations in the Indian Territory are now opposing the legislation contained in the bill as now reported we are not aware of it.

This statement is calculated to create the impression that the bill as reported by the conference committee is fully responsive to all the demands of the Indians, including the Cherokee band, on the rights which they claim under the laws and under existing treaties. I do not so understand their position, and in order that their position may be correctly stated I ask that the following communication, which has been handed to me for presentation, be read in my time as a part of my remarks.

The Clerk read as follows:

WASHINGTON, D. C., April 21, 1890.

To the Senate and House of Representatives of the United States:

The undersigned delegates of the Cherokee Nation beg respectfully to represent that the Cherokee Nation in no sense concurs in those provisions of Senate bill 895, as agreed to by the conference committee, that relate to that part of the country designated in said bill as the Indian Territory, but still insist that the same are violative of the express stipulations of their treaties with the United States. Certain amendments introduced into the bill by the conference have eliminated many of the features most obnoxious to the Cherokee Nation, but the nation does not wish by its silence to be held to agree to the remaining provisions, but earnestly insists upon the memorials heretofore presented to Congress.

Respectfully,

D. W. BUSHYHEAD,
JOHN L. ADAIR,
Cherokee Delegates.
MCDONALD, BRIGHT & FAY,
Attorneys for Cherokee Nation.

Mr. STRUBLE. I now yield three minutes to the gentleman from Arkansas [Mr. McRAE].

[Mr. McRAE withholds his remarks for revision. See Appendix.]

Mr. STRUBLE. I now yield two minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Speaker, I desire first to make a parliamentary inquiry. As I understand the rules, a conference report is not open to amendment of any kind.

The SPEAKER *pro tempore*. The question is upon agreeing to the report of the conference committee, and that has to be taken as an entirety.

Mr. PETERS. Mr. Speaker, there are some provisions in this conference report to which I can not agree, and if there was any opportunity to amend I should be glad to avail myself of that privilege; but I feel, like those gentlemen who have spoken before me, that it is more necessary to have some legislation for this Territory at the earliest possible moment than to have it made satisfactory to all.

One of the features to which I desire to call attention is the location of the county seat at the town of El Reno. I think that was a mistake on the part of the conference committee. I do not believe the county seat should have been located at that place. There are other towns much larger and of greater importance, which are really bona-fide towns, that should have been given a preference in the location for a county seat in that Territory. Among them are the towns of Frisco and the town of Reno City. I believe the town of Reno City is, perhaps, the equal of any town in size, as well as in convenience to those that will probably be in the county created there by the governor, and if I had an opportunity to offer an amendment I should move to strike out "El Reno," in the report of this committee, and insert "the town of Reno City." Reno City has this advantage: There are no contests filed, as I understand, upon upon the land upon which it is located. The same can not be said of El Reno. Reno City is a live town, with four or five hundred people, and is better adapted to meet the wants of that community as a county seat than either El Reno or any other place that has been named. I regret very much, therefore, that this proposition comes up in such a form that the change can not be made; but I do not feel like delaying action upon this whole subject for the sake of making that change. Under our parliamentary rules the report of the committee of conference must be adopted *in toto* or rejected *in toto*, and I do not feel like taking the responsibility of making a fight against the adoption of the report on this account alone.

Mr. HOOKER. I trust the gentleman from Iowa [Mr. STRUBLE] will yield me a little time.

Mr. STRUBLE. How much time does the gentleman require?

Mr. HOOKER. About ten minutes.

Mr. STRUBLE. I will yield to the gentleman later. I now yield to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Speaker, I should not attempt to address the House upon the bill and report of the conference committee but for the fact that there is contained in the bill a provision which is of very great importance to my State and directly concerns a part of my immediate constituency. I allude to that portion of the bill which proposes the method of settling a question of disputed boundary between the United States and Texas, and which is as follows:

SEC. 25. That inasmuch as there is a controversy between the United States and the State of Texas as to the ownership of what is known as Greer County, it is hereby expressly provided that this act shall not be construed to apply to said Greer County until the title to the same has been adjudicated and determined to be in the United States; and in order to provide for a speedy and final judicial determination of the controversy aforesaid the Attorney-General of the United States is hereby authorized and directed to commence, in the name and on behalf of the United States, and prosecute to a final determination, a proper suit in equity in the Supreme Court of the United States against the State of Texas, setting forth the title and claim of the United States to the tract of land lying between the North and South Forks of the Red River where the Indian Territory and the State of Texas adjoin, east of the one hundredth degree of longitude, and claimed by the State of Texas as within its boundary and a part of its land, and designated on its map as Greer County, in order that the right title to said land may be finally determined, and the court, on the trial of the case, may, in its discretion, so far as the ends of justice will warrant, consider any evidence heretofore taken and received by the Joint Boundary Commission under the act of Congress approved January 31, 1885; and said case shall be advanced on the docket of said court and proceeded with to its conclusion as rapidly as the nature and circumstances of the case permit.

As the Oklahoma bill passed the House and went to the Senate it contained a different plan for the final determination of this controversy, and also a further clause looking to the protection and conservation of the homestead rights of the settlers upon lands in the disputed territory, under and by virtue of the land laws of the United States, should the decision be in favor of the United States and adverse to the claim of Texas. The following is the language of the House bill on this subject:

SEC. 21. That inasmuch as there is a controversy between the United States and the State of Texas as to the ownership of what is known as Greer County, it is hereby expressly provided that nothing in this act shall be construed to apply to said county of Greer until said controversy shall be determined in favor of the United States by the board of arbitration provided for herein; and to provide for a speedy and final settlement of the controversy relating to said Greer County a board of arbitration is hereby created for the purpose of deciding said controversy and finally determining the ownership of said territory.

That said board of arbitration shall consist of three persons, who shall be learned in the law, one of whom shall be appointed by the President of the United States, one by the governor of Texas, and the third, who shall be the chief justice of some one of the States other than Texas, shall be agreed upon and appointed by the President of the United States and the governor of Texas. That said board of arbitration shall meet at such place or places as may be

designated by a majority of its members, and shall have full authority to send for persons and papers, to administer oaths, and to hear and receive testimony in behalf of the respective claims of the United States and the State of Texas; including any evidence heretofore taken and received by the Joint Boundary Commission under the act of Congress approved January 31, 1885, and to thoroughly investigate and decide said controversy to the end that it may be definitely settled and determined whether said territory belongs to the United States or the State of Texas.

That said board of arbitration shall be appointed and enter upon the work hereby assigned them as early as practicable, and shall render their decision as soon as the importance of the issue and a proper investigation thereof will justify, and when said decision is rendered the same shall be by said board of arbitration certified to the President of the United States and the governor of Texas, and shall be recorded in the respective general land offices of the United States and the State of Texas, and said decision shall be final and decisive of said controversy.

That the sum of \$10,000, or so much thereof, as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior, to defray the expenses and for compensation of those members of said board of arbitration appointed by the President: *Provided*, That the State of Texas shall pay a sum equal to that paid by the United States as compensation for that member of said board jointly appointed by the President and governor of Texas: *And provided further*, That should the decision of said board of arbitration be in favor of the United States, then, and in that event, all actual and bona fide settlers upon and occupants of the lands in said county on the 1st day of January, 1890, shall be entitled to have preference to and hold the lands upon which they have settled under the homestead laws of the United States by virtue of their settlement and occupancy of said lands, and they shall be credited with the time they have actually occupied their homesteads, respectively, not exceeding two years, on the time required under said land laws to perfect title as homestead settlers.

I feel it to be my representative duty to commit to the record an expression of my dissatisfaction with the method proposed in the bill of the conference committee for the determination of this issue between my State and the Federal Government and to state the reasons why I have urged the measure which passed the House and why I think it should have been adopted.

It is not deemed necessary to enter upon any elaborate discussion at this time as to the origin and history of this matter of disputed boundary. It is one of long standing, and which has been the subject of State and Federal legislation and repeated efforts for settlement during a period of many years. It involves the rightful ownership and jurisdiction over that tract of country or territory lying and being situated between the two streams commonly known as the North and South Forks of the Red River, immediately east of the one hundredth degree of west longitude, and designated upon the maps of Texas as Greer County, while on the maps of the United States and the Indian Territory it is included within and made to appear as a part of the Indian Territory.

The question is, which of these streams is the correct boundary line at this point between the United States and Texas? It is contended on the one hand that the North Fork is the true boundary, and hence that Greer County belongs to Texas; while on the other hand it is insisted that the South Fork is the boundary, and that the territory in question is outside of the limits of Texas. Greer County contains nearly 2,500 square miles. It was created and defined as one of the counties of Texas in 1860 by the Legislature of that State. It was organized in 1886 and has in operation all the machinery of government which belongs to the other counties of Texas. It has its county site and courts, district and local. It has received at the hands of the State the usual quota of school lands, 4 leagues, which have been disposed of by its county authorities and the proceeds applied in the usual way for the maintenance of public schools.

It has issued and sold its bonds and constructed its public buildings. It is now occupied and settled by about 10,000 people, who have driven down their stakes, improved and cultivated the lands, built houses, maintained and established farms, and surrounded themselves with all the insignia of homes. They have churches and schools. They have redeemed the country from its wild conditions. They constitute as good and worthy a citizenship as is to be found in the State or elsewhere, and, but for the existence of this dispute as to boundary and the consequent unrest and uncertainty, their county is fully equipped in all the elements of organization and is in the enjoyment of material and substantial prosperity.

At the first session of the last Congress the House Committee on the Judiciary, through my colleague, Mr. CULBERSON, reported the bill which provided for the arbitration plan of settlement, and the same passed the House on the 15th of February, 1888, without opposition. The Senate Committee on the Judiciary made a report on the House bill striking out the proposition for arbitration and substituting therefor the method now contained in the bill agreed upon by the committee of conference, which contemplates the prosecution of a suit against Texas in the Supreme Court of the United States.

The Senate gave the subject no final consideration during the Fifty-sixth Congress. On the 23d of February, 1889, the Legislature of Texas enacted, substantially in the terms of the House bill mentioned, a law which provided for arbitration, and made an appropriation to defray one-half the expenses thereof and for compensation of those members of the board of arbitration to be appointed by the governor and agreed on by the governor and President.

The House Committee on the Territories adopted and incorporated in their amendment to the Senate Oklahoma bill the terms of the Texas law on the subject and the additional homestead provision,

contingent upon the result of the arbitration being favorable to the United States, which, as before stated, passed the House.

I maintain, Mr. Speaker, that this authoritative proposition of Texas, submitted by its Legislature, is and was obviously fair and just to both parties to the controversy, that it offered a speedy and proper plan of settlement and one in keeping with the spirit of the precedents for determining questions of boundary conflict between different States and Territories in the past, as can be abundantly shown by former acts of Congress.

The personnel and qualifications of the commissioners or arbiters were to be such as to insure respect for the decision they might reach. Their authority contemplated a complete, open, and comprehensive investigation of the entire matter, with full power of research into all the accessible sources of information, historic, traditional, documentary, and otherwise, without regard to harsh or technical rules, to the end that full justice might be done. They could administer oaths, send for persons and papers, and, if it should have become necessary, they could have even gone upon and personally viewed the territory in dispute, traced the two streams from the point of confluence to the one hundredth degree of west longitude, and gone to the bottom of the real causes and subject-matter of the contention.

I believe that within three months' time it could have been affirmatively and finally determined as to where rests the rightful proprietorship of Greer County, and when the decision should be reached, *eo instanti*, and without the necessity for extensive additional legislation, and without liability to any serious complications or disturbances or harassment of the good people who have made their homes there, it would have been concluded in a manner satisfactory to and obligatory on all parties as to whether it shall hereafter constitute a part of the Territory of Oklahoma or remain as it now is, under the jurisdiction of Texas.

Mr. Speaker, Texas came into the Union as an independent republic. Before its admission and while it was a republic, the subject of the boundary between it and the United States was a matter of consideration between them as independent sovereignties and different nationalities, and in the convention of April, 1838, for marking the boundary between them, it was agreed by their respective plenipotentiaries, among other things, "that until this line shall be marked * * * each of the contracting parties shall continue to exercise jurisdiction in all the territory over which its jurisdiction has heretofore been exercised; and that the remaining portion of said boundary line shall be run and marked at such time hereafter as may suit the convenience of both the contracting parties, until which time each of the said parties shall exercise, without the interference of the other, within the territory of which the boundary shall not have been so marked and run, jurisdiction to the same extent to which it has been heretofore usually exercised."

Texas was admitted into the Union, as is shown by the joint resolutions of March 1 (5 Stat., 797) and of December 29, 1845 (9 Stat., 108), with "the territory properly included within and rightfully belonging to the Republic of Texas." The question of the disputed boundary which involves Greer County has never been determined between the United States and Texas, and it does seem to me that when all these facts are considered the State of Texas has an extraordinary right to propose terms of settlement, and an extraordinary claim, in the spirit of all right and comity, to the courteous consideration of Congress, and upon the acceptance of and co-operation by the Federal Government in any fair and reasonable proposition looking to that end.

Many other reasons might be assigned in favor of the Texas plan, but it is believed that sufficient has been shown to invite attention to those most prominent. It is gratifying to know that the House of Representatives and its managers in conference committee preferred and supported this plan, and I wish to acknowledge in a proper way my personal appreciation of whatever favorable consideration it received at the hands of any members of the committee of conference from either House.

Under the parliamentary attitude of the conference report I can not hope to single out and have further specific action upon this matter, as under the rules of the House the report must be considered as an entirety, but I wish to state my objections to the method finally agreed upon and adopted by the committee of conference.

It is, in the first place, I think, not the treatment which Texas was entitled to receive, and not in keeping with the expression of its wish in the premises as indicated by its legislative enactment. Texas has not asked to be sued in the Supreme Court of the United States, to be brought to that tribunal and figure as a defendant upon its docket. I am not aware that there is to be found any precedent in all the history of that high court, with usual appellate jurisdiction for this new departure. I certainly have been unable to find where Congress has ever before in a matter of disputed boundary between any State and Territory attempted to have an original adjudication made by this great tribunal and sought to make it a trial court.

It is, I think, a matter of great doubt and uncertainty as to whether the Supreme Court will exercise the jurisdiction thus proposed, even should the State of Texas acquiesce in and interpose no objection to

such jurisdiction, outside of the fact that consent may be unable to cure any infirmity in jurisdiction.

I am strongly inclined to the opinion that the matter involved is a political and not a judicial question, and on this point I quote the following extract from Note 199, Paschal's Annotated Constitution:

But the judicial power does not extend to all questions which arise under the Constitution, laws, and treaties, because many of these are political and have to be solved by other departments of the Government. Thus:

Where the title to property depended on the question whether the land was within a cession by treaty to the United States, after our Government, legislative and executive, had claimed jurisdiction over it, the courts must consider that question as a political one, the decision of which having been made in this manner, they must conform to it. (Foster vs. Neilson, 2 Pet., 309, and other authorities cited.)

So the protection of the Indians in their possessions seems to be a political question (Cherokee Nation vs. Georgia, 5 Pet., 20). So as to State boundaries unless agreed to be settled as a judicial question (Rhode Island vs. Massachusetts, 12 Pet., 736, 738).

Should the Supreme Court decline to entertain jurisdiction of the matter, the controversy will be left where it now is, and as far from settlement as ever. There could be no possibility have been any failure to reach a final decision by the proposed board of arbitration, for the reason that it was to consist of three members, with duties well defined, and not of an equal number as representatives of the United States and Texas, as was the case under a former joint commission.

Should the court exercise jurisdiction and render judgment against Texas in the matter, then the rights of the settlers upon the lands in Greer County are unprovided for, and distressing conditions may arise in consequence before any legislation covering their case can be enacted, and no one can predict what the character of that legislation may be. Should the court decline under the cold rules of law to receive and consider testimony heretofore taken by the commission of 1885, there is certain valuable and exceedingly important evidence the benefit of which would be lost to Texas. Even with the provision to advance the suit on the docket, there is no telling when the case will be tried; certainly, I think, the end will not be as expeditiously reached in any event as it would have been under the Texas plan for an arbitration.

Should Texas be cast in the suit there is no estimating what the cost will be, and in the absence of any provision to the contrary it is to be supposed that all costs will be taxed against the State, the defendant in this unsolicited litigation. The enumeration of these objections does not include others which I entertain, but which I do not deem it proper to discuss at this time.

Notwithstanding my opposition to this litigation, there is no one, Mr. Speaker, who will be more gratified than I will be should my State and my constituents have a safe deliverance therefrom, and by the means thus contemplated, and I shall be glad if the sequel shall demonstrate that my apprehensions are groundless.

I believe that Texas has a just and honest claim to the territory in dispute. A long and patient investigation, running through many years of my service here, has convinced me that it belongs to Texas. The same opinion has been entertained and expressed by the executives of my State under different administrations, from General Houston down to Governor Ross, and I have felt it incumbent upon me to do everything within the compass of my humble ability to maintain the convictions I entertain, and to secure for my State and people every right and consideration to which they are entitled in the maintenance and ultimate success of their long-asserted claim to this particular territory.

Texas is large, but we want every inch of its soil that rightfully belongs to us. We want all Texas, without diminution, without partition, one and indivisible.

Mr. STRUBLE. I now yield fifteen minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. Mr. Speaker, I desire to call the attention of the House to certain provisions of this bill as it is now reported back by the committee of conference. In the first section of the bill as now agreed upon, the section defining the limits of this Territory, I find the following language:

Whenever the interest of the Cherokee Indians in the land known as the Cherokee Outlet shall have been extinguished and the President shall make proclamation thereof, said Outlet shall thereupon, and without further legislation, become a part of the Territory of Oklahoma.

Now, I agree that the committee has reached a correct conclusion in leaving out, as I insisted when this bill was under discussion they were bound to do, what did not belong to the United States. I commend the action of the conference committee so far as it has reached that result. But when they undertake to include in a bill, in which they themselves leave out the Cherokee Outlet, a clause in relation to the claim of the Cherokee Indians to this land—as if they held it simply by a claim, when in fact they hold it by treaty stipulation and by patent—I must object to any such assumption. This is one of the numerous declarations in this act which would make it appear that the Indians are simply setting up a "claim." Why, sir, they are in actual possession; they have been in possession ever since 1833, when Martin Van Buren signed the patent; and they are in possession now, enjoying the usufruct of this land. Yet you talk about the claim of the Indians as if they had simply a "claim," when in fact the land is absolutely their own.

Mr. SPRINGER. The gentleman will allow me to call his attention to the fact that in the bill, in line 31, the word is "interest." The word "claim" is simply used in the statement of the House conferees. The language of the bill is that "whenever the interest of the Cherokee Indians in the land known as the Cherokee Outlet shall have been extinguished," etc.

Mr. HOOKER. Well, you talk about their having an "interest" in the land, when in fact they own the land; it is theirs absolutely. Further along in this same section is this declaration:

Congress may at any time hereafter change the boundaries of said Territory or attach any portion of the same to any other State or Territory of the United States without the consent of the inhabitants of the Territory hereby created.

This presents one of the most anomalous features of legislation that have been introduced into any bill, Territorial or otherwise. It is proposed now to create a sort of elastic area of territory which can spread out at the pleasure of the Government hereafter, or contract, taking in any persons with or without their consent. This is another feature of the bill which it seems to me is very objectionable.

But the most objectionable feature to my mind is the fact that notwithstanding the committee of conference have agreed that they could not include the Cherokee Outlet, and therefore have left it out in defining the boundaries of the Territory, they still retain in the bill as now reported a provision extending the laws of one of the States of this Union over the Indian nation—not over this Territory alone, but over the Indian nation, and creating courts which are to exercise jurisdiction over the five semi-civilized tribes as well as over the Territory itself. I say this is an incongruous bill. If it is necessary to amend the act by which in the last Congress we created a court to sit at Muscogee, in the Indian Territory, with certain limited jurisdiction defined in that measure—if it is necessary to extend that jurisdiction over the Indian Territory and over the five semi-civilized tribes, then it ought to be done either by an independent bill or by an amendment to the law as it now stands upon the statute-books.

Why should it be put into a bill creating the Territory of Oklahoma, for which, as you say, you wish to provide a government? I say there is no congruity in the two topics embraced in this bill. If it is necessary to extend additional jurisdiction over the Indian Territory do it by an amendment to the act on that subject. When this bill was under consideration I opposed, as I now oppose on this conference report, a provision of this kind, on the ground that if you undertake to apply the laws of Nebraska or any other State to the Indian Territory, allowing all the varied domestic relations there to be governed by the laws of the State selected, you thus force upon the five semi-civilized tribes who have their own legislature, their own judicature, their own peculiar system of laws, and who hold their lands in common and not in severalty—you force upon them an incongruous system of laws wholly unadapted to their condition and not calculated to benefit them.

Thus, if this report of the committee of conference should be adopted (and I regret as did the gentleman who preceded me that the report is not subject to amendment) in its entirety and should become a law, you will find, when it comes to be executed in the Indian Territory, two clashing jurisdictions. You will have the jurisdiction of the Indian courts and the jurisdiction of the United States courts; you will have the laws of the Indian nations conflicting with the laws, as they may be interpreted, which you attempt to extend over them from one of the States of the Union.

For the purpose of establishing the Territory of Oklahoma there is no necessity for creating this confused condition of affairs in the Indian Territory. The five semi-civilized tribes of Indians hold their lands by a solemn patent from the Government, and by treaty stipulations which run back for a century; they are capable of governing themselves; they own their own territory, enact their own laws, establish their own judicature with their own judges; and now you propose inch by inch to acquire power over the land belonging to those tribes by virtue of the extension of the judicial power of the United States over them. After a while you will insist that this territory itself may be seized upon by the United States, as it was attempted in the original bill to seize upon lands which had been just as solemnly conveyed to the Indians, both by treaty and patent; you will attempt to insist that this whole territory may be taken possession of by the Government of the United States and erected into an Indian territory without the consent of the Indians themselves.

These, Mr. Speaker, constitute in my mind cardinal objections still to the bill, although it is very much bettered from what it was when it came into the House from the Committee on the Territories of this House, with a proposition embodied therein to embrace within its limits, without let or hindrance, and by no power of the United States, a vast area of country, which not only does not belong to you, but which you deeded away many years ago by the most solemn form of covenant that can be executed between men. While the bill is somewhat better than it was then, it still retains the objectionable and incongruous feature, if I may so speak, of undertaking to establish two sets of laws, the one to be interpreted by the judicature of the United States and the other by the five semi-civilized tribes of Indians themselves, subject to the interpretation of their own judiciary.

That is exactly the attitude of the bill, as I understand it, now, and

one of its most seriously objectionable features. And in creating a Territorial form of government for any given Territory, I venture the assertion that never before in the history of the Government of the United States, from its very foundation to the present time, since it has grown from the thirteen original States to a powerful nation of forty-two sovereign and independent Commonwealths, has it been thought proper, just, or right to undertake to extend the laws of the United States over other countries than that which was embraced in the area of the Territory that is proposed to be created by the legislation enacted. Why should it be so? What necessity exists for it? What is the object to be accomplished? Why are gentlemen so urgent?

The truth of the matter is, sir, that whole portion of the House bill which proposes to extend the jurisdiction of the United States across and over the five semi-civilized tribes ought to be stricken from it, word and letter. It has no business in the bill, and, I care not who assents to it, it can not in my judgment give it validity. The Indians themselves have not assented to it, because there is a protest, just caused to be read by my friend from Georgia [Mr. BARNES] with regard to the objection of certain portions of these people. They will have to take it probably. The strong power of the United States holding the weaker within its control may compel them to accept it and allow the extension of this jurisdiction. But they have protested as far as they can protest, and are again protesting in this written paper which was read from the Clerk's desk a few moments ago during the remarks of my friend from Georgia.

I think, therefore, Mr. Speaker, that the report of the conference committee ought not to be adopted by the House as long as it contains this proposition to extend the laws of any other State over the five semi-civilized tribes of Indians and create courts of jurisdiction in conflict with their own.

[Here the hammer fell.]

Mr. STRUBLE. I now yield five minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, I desire very briefly, in the time allotted to me, to refer to the remarks of the gentleman from Mississippi [Mr. HOOKER] who has just taken his seat, in opposition to the report of the conference committee. He states that it was unnecessary for this bill to make any provision in regard to what we denominate the five semi-civilized tribes. Under the bill passed at the last Congress, creating a court in the Indian Territory, jurisdiction was conferred upon that court over the entire Indian Territory as then organized, including what is known as the Public Land Strip.

By the provisions of this bill all that part of the jurisdiction of that court which relates to what is in this bill denominated as Oklahoma is taken from that court; and hence, having been required by the other terms of this bill to interfere with the jurisdiction heretofore conferred upon the United States court in the Indian Territory, the committee deemed it important, in fact absolutely necessary, in view of the condition there, that additional jurisdiction should be conferred upon that court, not over the Indians, as supposed by the gentleman from Mississippi, but over the white people not members of any of the Indian tribes embraced in what are known as the five semi-civilized tribes.

The attorney for the Cherokee Nation sent a communication to the conference committee, embodying his objections to the bill as it was passed by the House and asking the adoption of certain amendments in the conference, which amendments were considered by that body, and I desire to state here that every one of the amendments was incorporated in the Senate amendments to this bill and now form a part of it. That is the reason why the conferees on the part of the House reported, in their statement submitted with the conference report, and which was published in the RECORD of yesterday, and has been read from the desk to-day, that if there was opposition on the part of the representatives of these Indian tribes to the bill they were not aware of it, for the authorized attorney of the Indians came, asking that certain amendments be adopted, which amendments now form a part of the bill as reported from the committee. I will cite one of them, which is to be found on page 37 of the bill, the last portion of section 30, which reads as follows:

Provided, however, That the judicial tribunals of the Indian nations shall retain exclusive jurisdiction in all civil and criminal cases arising in the country in which members of the nation by nativity or by adoption shall be the only parties; and as to all such cases the laws of the State of Arkansas extended over and put in force in said Indian Territory by this act shall not apply.

And further on, on page 42, at the instance of one of the attorneys of the Cherokee Nation this provision was inserted:

But nothing in this act shall be so construed as to deprive any of the courts of the civilized nations of exclusive jurisdiction over all cases arising wherein members of said nations, whether by treaty, blood, or adoption, are the sole parties, nor so as to interfere with the right and power of said civilized nations to punish said members for violation of the statutes and laws enacted by their national councils where such laws are not contrary to the treaties and laws of the United States.

Mr. HOOKER. What section is that?

Mr. SPRINGER. It is section 31 of the bill.

These provisions were insisted upon by the attorneys of the Cherokee, as well as the other nations, and were incorporated for that reason; and the conference committee were informed that they were all the Indians asked in that direction.

Now, I want to state distinctly and emphatically, for the benefit of the House, that so far as jurisdiction over the five semi-civilized tribes is concerned, as contained in this bill, it relates to the white people, of whom there are over one hundred thousand to-day living in that Territory, people who are asking for this jurisdiction and are desirous of the passage of this law in order to protect their persons and property. Law is not a terror except to the evil-doer. No man has a right to say on this floor that by extending good laws over the citizens of the United States we are in any manner oppressing them. Law is not oppressive to the good citizen. It is liberty regulated by law that we are endeavoring to enforce in the Indian Territory; and the white people there ask this legislation. The only contention before the committee at the time seemed to be as to where the courts should be located, the Indians themselves asking for them at the respective towns and settlements in which they reside.

So that we have endeavored to comply with the reasonable demands of the Indians, who have opposed this legislation, and the protection of the white people, who are there with the consent of the Indians themselves. After this long controversy as to this legislation, I desire to congratulate this House and the people of the country upon the fact that the conference committee has reached a conclusion which is admitted to be just to all concerned in this matter, and which, in my judgment, will do much to bring law and order to the Indian Territory, which has heretofore been the refuge of criminals. This legislation, Mr. Speaker, is in the interest of the people of the whole country, and I hope it will be adopted. [Cries of "Vote!" "Vote!"]

Mr. STRUBLE. I now yield five minutes to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, as suggested by the gentleman from Illinois [Mr. SPRINGER], the conferees representing the two Houses of Congress labored industriously and conscientiously to get a bill satisfactory to the representatives of the American people, as well as satisfactory to the people for whom we are legislating. It was no idle task to formulate a bill that would give the people of Oklahoma Territorial government and courts and the instrumentalities of the law for the protection of their persons and their property, and in connection with that create such tribunals and formulate such legislation as will remedy the wrongs existing in the Indian Territory proper. As suggested by the gentleman from Illinois, it is reported by those best informed that there are more than one hundred thousand white people living within the borders of the so-called Indian Territory. These men are without tribunals and without law for the protection of their rights and property, except as in the last Congress we created a court with limited jurisdiction and conferred power upon it to investigate certain complaints and to remedy certain evils.

Mr. HOOKER. Will the gentleman allow me to ask him a question there? Is there a white man in any part of the Indian Territory occupied by the semi-civilized tribes who has any right to be there except by consent of those tribes?

Mr. PERKINS. They are there by their consent, and, being there with their consent, have secured rights that entitle them to protection, that entitle them to a hearing in court and to legislation for their security and good; that has imposed upon Congress the necessity of creating courts for the protection of their rights and for the adjudication of the controversies that arise.

Mr. HOOKER. Do you mean that they have acquired rights there in hostility to the people composing those tribes?

Mr. PERKINS. Not at all. They have not acquired those rights by hostility, but by the permission of those Indians; and hence the necessity is imposed upon this legislative body of providing a means for the protection of those rights. I can not understand how any member who occupies a seat upon this floor and who believes in law and order and in right and justice should oppose this measure and advocate that we should continue the shotgun and lawless policy that prevails in the Indian Territory to-day.

More than 100,000 white people reside in that Territory. They ask of this House and of this Congress legislation in their behalf. The most of them are there with the sanction of the Indians, they have invested their means there in property, and I can not see how anybody or any member upon this floor can say that legislation should not be enacted for their protection and in the interest of law and order, that lawlessness should be encouraged, that crime should be protected. That the people should be left without the encouragement and protection of the law and civilized tribunals to hear and to settle controversies and to punish offenders may seem desirable and commendable to some of the members of this House, but not, in my judgment, to the great majority of the Representatives of the American people.

Now, I have not time in the five minutes that have been given me to run through the provisions of this bill. The statement made by the House conferees was carefully made and it exhibits in brief the legislation that we are called upon to indorse. My friend from Texas criticised the provision of the bill pertaining to Greer County. As one of the conferees, I was in favor of the provision that was inserted in the House bill, and as I understood the feelings of the gentleman from Texas and other friends from Texas with reference to the House bill, and knowing

that they would rather have it than the proposition of the Senate, I, as a representative of the House, insisted that we should take the House provision, but finally, at the solicitation of the Senate conferees, I yielded, because, as insisted by them, the tribunal designated in this bill to settle this controversy is of a higher order and a larger tribunal than the one provided by the House bill, and perhaps a more impartial tribunal, and possibly a more learned tribunal, and one that would only desire to do justice to all and to settle the important controversy as the law and facts demanded. This ought to be satisfactory to all. Mr. Speaker, this is important legislation, and I congratulate the people of Oklahoma and the country generally that as conferees we have been able to agree and have been able to present to this House a bill that should be so satisfactory to all.

Mr. STRUBLE. I now yield five minutes to the gentleman from New York [Mr. BAKER].

Mr. BAKER. Mr. Speaker, a year ago to-morrow at 12 o'clock, high noon, the sound of cannon opened the avenues to advancement into the Indian Territory of 100,000 American citizens. To-day we are on the point of enacting for their benefit a law which shall give them a Territorial government. I think that no higher or more important legislation has been considered at this Congress than that we are now about to submit to the approval of the American Congress. When this bill passed the House I felt that it was as nearly a perfect law as could be obtained through careful deliberation, patient labor, and study of your Committee on the Territories. The action of the conferees of the two Houses, to my mind, has largely improved the measure, and in adopting it we will do an act of justice not only to our own people, but also to the five civilized tribes of Indians.

This is legislation that will bring to the Representatives here from a hundred thousand people in the Indian Territory and in Oklahoma words of gratitude and praise. We can do no greater act than to pass this legislation, and when it shall have been done, when it shall have become a law, no voice of complaint, no discontent will be heard from those beautiful plains and hills. This is one of the most important duties of this hour; and I congratulate the people of the country and of Oklahoma, as my worthy colleague from Illinois [Mr. SPRINGER] has done, upon the promise of this hour and this day. [Cries of "Vote!" "Vote!"]

Some criticism has been made upon some of the details of this bill. That is not to be wondered at. Human ingenuity can not produce anything but what will receive some criticism of good and honorable and true and able men, like my friend from Mississippi [Mr. HOOKER]; but I believe as a whole this bill is just, it is righteous, and it is a measure of justice to all the people of this great Territory which they have long and patiently waited for and which they need to-day more than any language can express. I think, Mr. Speaker, that there will be no doubt about agreeing to the report of the conferees. I know there will be no delay or doubt in the Executive approval of this bill; and then we shall have a voice of praise and commendation coming from the good people in whose behalf this legislation has been perfected.

Mr. STRUBLE. In view of the evident desire to have an early vote on this bill, I shall only ask a moment or two in closing the debate upon the measure.

The committee of conference think they have presented to this House a bill that may well receive the support of every member present. It is true that the House conferees have been compelled to make concessions upon material points, but we believe, notwithstanding those concessions, that this bill is one possessing great merit and well adapted to the conditions existing in the Indian Territory.

I desire to make a very brief reply to the criticism made by the gentleman from Mississippi [Mr. HOOKER] in respect to the language in the bill providing that the boundaries of Oklahoma Territory may be changed at any time and additions made to it, and that disposition of the Territory otherwise may be made by Congress. That language is in harmony with the united sentiment of the conferees from both bodies, that under no circumstances, in so far as present action can go, shall there be two States erected within what is now known as the Indian Territory. Therefore this provision was adopted to make it clear and plain that the intention of this Congress is not to establish permanent boundary lines there with a view to the permanent division of the Territory. I am gratified that the distinguished gentleman from Mississippi [Mr. HOOKER] has practically given his assent to this bill, because we are always glad to have the gentleman with us upon great measures of this kind. The House conferees were compelled to yield something upon the question of the Cherokee Outlet. They did so, however, with the expectation that in the very near future the interest, or the claim, or the title, as the gentleman [Mr. HOOKER] may choose to have it, of the Cherokees in that land will have been acquired by the United States, and that all objections, even in the mind of the gentleman from Mississippi, will be thereby removed to its being added to the Territory of Oklahoma.

Mr. HOOKER. Will the gentleman permit me to interrupt him a moment?

Mr. STRUBLE. For a question only or for a very brief remark. Mr. HOOKER. I desire to say that I give cordial assent to that

portion of your bill which does not exist, namely, to the omission of the Cherokee Outlet; but, so far as you extend the laws of other States over this Territory and so far as you change the jurisdiction of the United States courts, I am opposed to you.

Mr. STRUBLE. Mr. Speaker, with respect to the point suggested by the gentleman, the bill leaves the jurisdiction of the United States courts at Fort Smith, Ark., and at Paris, Tex., very much as it is now fixed by statute. The bill does extend certain of the laws of the State of Arkansas over the Indian Territory, and it does that for the purpose of promoting the peace, the order, and the prosperity of the people in that Territory, especially those who are not subject to the laws of the Indian tribes. The jurisdiction of the United States courts at Fort Smith and at Paris, as to all offenses the penalty for which is capital punishment or hard labor, remains unchanged, while both courts have jurisdiction to punish violations of the United States liquor laws among the five civilized tribes.

The bill does, in the interest of good order, peace, and prosperity, extend certain indicated and named statutes of the State of Arkansas, which we believe worthy of extension, over this Territory, in order that the rights of white people and rights arising between members of the Indian tribes and members of other tribes may be protected and settled by the courts in that country. As my colleague upon the committee [Mr. PERKINS] has said, there is great need for this legislation because of the presence there of many thousands of citizens of the United States over whom there is no law and who have no remedies against each other or against members of the Indian tribes in that Territory. This bill does not seek to encroach or infringe in the least upon the jurisdiction of the several tribes, or upon the jurisdiction of their courts, or upon any of their powers or proceedings. It simply proposes, to establish there certain laws of an adjoining State which in their character we believe are excellent and are calculated to promote the best interests of the people within the five civilized tribes.

Mr. Speaker, I should have been glad if the conferees of the House could have secured the assent of the Senate conferees to the appointment of more judges within the five tribes, but the House conferees deemed it best to yield to the proposition of the conferees of the Senate that no more judges be appointed, but that the judge now appointed to hold court at Muscogee, in the Creek Nation, should hold courts at two other places, namely, South McAlester and Ardmore, in the Choctaw and Chickasaw Nations.

I should have been pleased also if we could have secured the assent of the conferees of the Senate to the proposition of the House in respect to Greer County. I sympathize with my friend from Texas [Mr. LANHAM], whom I have known for more than seven years, upon that question. It was one of the first questions brought to my attention as a member of the Committee on Territories in the Forty-eighth Congress, and, as gentlemen who are familiar with the subject know, that Congress took action for the appointment of a commission to settle the dispute.

The gentleman from Texas [Mr. LANHAM] has been persistent and earnest, in season and out of season, in his efforts to have settled as speedily and as fairly as possible the controversy between the Federal Government and the State of Texas in respect of that county. The State of Texas proffered us, as we thought, a fair proposition and a speedy method of settling the dispute, but the conferees of the Senate dissented from it, and finally the House conferees yielded, and by the provisions of this bill the question is to be referred to the United States courts for settlement upon a full hearing of all the facts of the case. And now, Mr. Speaker, believing that this bill is one worthy to be passed by this House and that no further explanation or remarks need be made in support of it, I call for the previous question upon the adoption of the conference report.

The previous question was ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. STRUBLE moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SECURITY OF MONEY IN THE TREASURY.

Mr. HENDERSON, of Iowa. I ask unanimous consent for the present consideration in the House, as in Committee of the Whole, of the bill (H. R. 9522) to provide necessary vaults and safeguards for the security of the public money in the custody of the Treasurer of the United States.

The SPEAKER. Is there objection to the consideration of this bill in the House as in Committee of the Whole?

Mr. DOCKERY. I hope there will be no objection.

Mr. BRECKINRIDGE, of Kentucky. Let the bill be read before that question is determined.

The bill was read, as follows:

Be it enacted, etc., That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury, namely:

For inside steel linings and new doors on vaults numbered 6 and 8 in the cash-room, including an intermediate door between said vaults, \$95,500.

For new vault, to be constructed in place of present vault numbered 5, and

also in place of four iron safes now in use for the deposit of national-bank notes in process of redemption, to have a partition dividing it into two parts, with suitable doors and vestibule in each part and a door to be placed in the partition, \$82,500.

For extending present vault numbered 7, now used for the deposit of the bonds held to secure circulation issued to national banks, and also to secure Government funds deposited in national banks, and the various trust funds held by the Treasurer as custodian, \$55,000.

For constructing a new vault in place of present vault numbered 3, which is used for the deposit of fractional silver and other coins, \$45,000.

For constructing a new vault in place of present vault numbered 4, now used for the deposit of United States notes, gold and silver certificates in process of redemption, \$42,500.

For constructing new cages and other protection for the tellers in the cash room, \$5,000.

For the employment of eight special guards for present vaults and safes, at the rate of \$1,000 each per annum, to be appointed by the Treasurer of the United States, with the approval of the Secretary of the Treasury, and employed only while the new vaults herein provided for are in course of construction, \$8,000: *Provided*, That the work authorized to be done by this act shall be executed under contract in accordance with plans and specifications to be approved by the Secretary of the Treasury, which plans and specifications shall prescribe the material to be used and the manner of putting the same together, and the expenses of said plans and specifications, including all personal services and also the superintendence of the work as the same progresses, shall be paid from the amount above appropriated.

There being no objection, the House proceeded to the consideration of the bill.

Mr. HENDERSON, of Iowa. I should like to have the Clerk read the report.

The report of the Committee on Appropriations (by Mr. HENDERSON, of Iowa) was read, as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 9522) to provide vaults and safeguards for security of public money submit the following report:

The Committee on Appropriations submit herewith a bill appropriating in the aggregate the sum of \$333,500 to provide necessary vaults and safeguards for the security of the public money in the custody of the Treasurer of the United States, and recommend its immediate consideration and passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL SERGEANTS-AT-ARMS AND STENOGRAPHERS FOR SUBCOMMITTEE ON ELECTIONS.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the subcommittee of the Committee on Elections, charged with the investigation of the contest of Clayton vs. Breckinridge, are authorized to employ such deputy sergeants-at-arms, not exceeding three, and additional stenographers as may be deemed necessary by them for their assistance in said investigation.

The SPEAKER *pro tempore*. That can only be considered by unanimous consent.

Mr. LACEY. I ask unanimous consent for its consideration.

The SPEAKER *pro tempore*. Is there objection? The Chair hears none.

The resolution was adopted.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed acts and a joint resolution of the following titles:

On the 18th instant:

An act (H. R. 7164) to amend and continue in force "An act to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company," approved August 6, 1888; and

An act (H. R. 5181) to remove the political disabilities of D. C. Stith, a citizen of Texas.

On the 19th instant:

An act (H. R. 3352) to extend to the port of San Antonio, in the customs collection district of Saluria, in the State of Texas, the privileges of the seventh section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;"

An act (H. R. 2849) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army; and also

Joint resolution (H. Res. 119) requesting the Secretary of War to cause a further report to be made as to the practicability and approximate cost of tunneling the Detroit River at or near Detroit, Mich.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, requested the House to return to the Senate the bill (H. R. 4652) for a public building at Ashland, Wis.

The message also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 505) for the construction of a railroad and wagon bridge across the Mississippi River at South St. Paul, Minn.; and

A bill (H. R. 507) granting the counties of Hennepin and Dakota, Minnesota, the right to build two bridges across the Minnesota River.

The message further announced that the Senate had passed with amendments the bill (H. R. 3876) authorizing the construction of a bridge across the Red River of the North, asked a conference with the House on said bill and amendments, and had appointed as conferees on the part of the Senate Mr. VEST, Mr. SAWYER, and Mr. WASHBURN.

The message also announced the passage of bills and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 11) to authorize the appointment of a sanitary engineer in the District of Columbia, and for other purposes;

A bill (S. 113) relating to the status of a certain commander in the Navy, and to correct the same;

A bill (S. 193) directing the Secretary of the Treasury to re-examine and resettle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812;

A bill (S. 395) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean;

A bill (S. 584) to amend so much of section 351 of the Revised Statutes as fixes the salary of the chief clerk of the Department of Justice;

A bill (S. 868) for the relief of J. Henry Rives;

A bill (S. 986) for the relief of the legal representatives and devisees of James W. Schaumburg;

A bill (S. 1657) to ratify and confirm an agreement with the Indians in Fort Berthold agency, in North Dakota;

A bill (S. 1743) to provide for the disposal of Fort Hartsuff, Fort Sheridan, and Fort McPherson military reservations, in the State of Nebraska, to actual settlers under the provisions of the homestead laws;

A bill (S. 2058) for the relief of Isabella Hance, administratrix of William Hance;

A bill (S. 2392) creating an additional land office in the State of North Dakota;

A bill (S. 2639) for the relief of Mrs. Selena Bestor, Orson H. Bestor, and E. Francis Riggs;

A bill (S. 2842) to construct, maintain, repair, and operate military telegraph lines between Alpena, Mich., Thunder Bay Island, and Middle Islands, Lake Huron, and for other purposes;

A bill (S. 3041) to dispose of certain lots now unsold of the Fort Dalles military reservation, and the improvements thereon;

A bill (S. 3061) referring to the Court of Claims the claims of James W. Walsh and others;

A bill (S. 3122) to amend section 4426 of the Revised Statutes of the United States, relating to the regulation of steam-vessels; and

Joint resolution (S. R. 52) providing for incorporating concurrent resolutions in the Session Laws and Statutes-at-Large.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. BAKER. There is upon the Speaker's table a message from the President, accompanying a bill which has been returned by request.

The SPEAKER. The message will be read.

The Clerk read as follows:

To the House of Representatives:

In compliance with a resolution of the House of Representatives (the Senate concurring), I return herewith House bill No. 105, entitled "An act in relation to immediate transportation of dutiable goods, amendatory of the act of July 10, 1890."

BENJ. HARRISON.

EXECUTIVE MANSION, April 21, 1890.

Mr. BAKER. Mr. Speaker, it seems that in the enrolling of this bill, or in some other way, one or two errors crept in. The word "July" was inserted instead of "June" in the title and in the body of the bill, and the words "as hereby amended" were omitted in line 10 of the bill. It is manifest that these errors ought to be corrected. I therefore ask unanimous consent that the bill may be re-enrolled with the necessary corrections. I think the fault was in the printing of the bill rather than with the enrolling clerks.

The SPEAKER. As the Chair understands, a concurrent resolution will be necessary in order that these corrections may be made.

Mr. BAKER. Then I will offer a concurrent resolution to that effect.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives be directed to re-enroll the bill (H. R. 105) in relation to immediate transportation of dutiable goods, amendatory of the act of July 10, 1890, and insert therein (including the title) the word "June" wherever it occurs, in lieu of the word "July;" and also insert after the words "the seventh section of said act" the words "as hereby amended."

Mr. BRECKINRIDGE, of Kentucky. I would like to inquire how this mistake happened.

Mr. BAKER. I presume that the error occurred in the original print of the bill. The word "July" was printed by mistake, instead of the word "June."

The resolution was agreed to.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 605) to increase the appropriation for the erection of a public building at Troy, N. Y.;

A bill (H. R. 6942) to divide the judicial district of North Dakota; and

A bill (H. R. 7156) to provide for the increase of the limit of cost of site and public buildings at Newark, N. J.

UNITED STATES COURTS OF SOUTH CAROLINA.

The SPEAKER announced the appointment of Mr. STEWART of Vermont, Mr. REED of Iowa, and Mr. HENDERSON of North Carolina as conferees on the part of the House upon the bill (H. R. 778) to regulate the sitting of the court of the United States within the district of South Carolina.

ORDER OF BUSINESS.

The SPEAKER. Motions to suspend the rules are now in order and the call rests with the Committee on Public Lands.

The call was continued until the Committee on Invalid Pensions was reached.

Mr. MORRILL. On behalf of the Committee on Invalid Pensions, I desire to move a suspension of the rules to pass a bill which I have not at hand at this moment. I ask unanimous consent that our committee may be passed for a few minutes.

The SPEAKER. Is there objection? The Chair hears none.

The call of committees was continued until the Committee on Expenditures in the Treasury Department was reached.

INCREASED PAY TO WATCHMEN IN TREASURY DEPARTMENT.

Mr. ATKINSON, of Pennsylvania. On behalf of the Committee on Expenditures in the Treasury Department, I move to suspend the rules and pass the bill (H. R. 8106) to determine and increase the pay of watchmen in the Treasury Department.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act the annual pay of the watchmen of the United States Treasury Department shall be \$340 per annum, and of the lieutenants of the watch \$300 per annum, and of the captain of the watch, \$1,400 per annum.

SEC. 2. That all acts and parts of acts in conflict with this be, and they are hereby, repealed.

Mr. ATKINSON, of Pennsylvania. Mr. Speaker, I feel reluctant to offer a bill of this character—

The SPEAKER. Before the debate can proceed a second must be ordered on the motion to suspend the rules.

Mr. ATKINSON, of Pennsylvania. I ask unanimous consent that a second may be considered as ordered.

Mr. DOCKERY. I object. I call for a second.

Mr. CANNON. I think we had better have a second.

The SPEAKER. The gentleman from Pennsylvania [Mr. ATKINSON] and the gentleman from Missouri [Mr. DOCKERY] will take their places as tellers.

The House divided; and there were—ayes 61, noes 61.

So the motion was not seconded.

ORDER OF BUSINESS.

Mr. SPINOLA. I ask unanimous consent that the Committee on Military Affairs may be returned to, for this reason: I was unavoidably absent at the last meeting of the committee; I have here a small bill of my colleague from New York [Mr. CAMPBELL], who has not had a bill before this House this year. By unanimous authority of the committee, I ask that we may return to that committee so as to enable me to call up this bill.

The SPEAKER. The gentleman from New York [Mr. SPINOLA] asks unanimous consent to return to the Committee on Military Affairs.

Mr. DUNNELL. Was the committee called?

The SPEAKER. It was.

Mr. DUNNELL. I object to any return.

Mr. SPINOLA. It was not called to-day.

Mr. DUNNELL. No matter; it will be called in its turn.

The SPEAKER continued the call of the committees until the Committee on Public Buildings and Grounds was reached.

PENSIONS TO PRISONERS OF WAR.

Mr. MORRILL. Mr. Speaker—

The SPEAKER. The gentleman from Kansas, whose committee was temporarily passed over by consent a few minutes ago, is now recognized.

Mr. MORRILL. I am instructed by the Committee on Invalid Pensions to move to suspend the rules and put on its passage, with an amendment, the bill (H. R. 319) for pensioning prisoners of war.

The bill, with an amendment striking out, after the words "prisoners of war," in the eighth line of section 1, the words "for sixty days or more," was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers of the military or naval service of the United States, who served in the late war of the

bellion, and who were prisoners of war, and who are now suffering from any disability which can reasonably be presumed to be the result of exposure and hardships endured while in confinement as prisoners of war and not the result of their own misconduct or vicious habits, and pay them the pension now provided by law for similar disabilities: *Provided*, That this section shall not be construed to allow any person to receive more than one pension.

SEC. 2. That all surviving officers and enlisted men, including marines, militia, and volunteers of the military or naval service of the United States, who served in the late war of the rebellion and who were prisoners of war for a period of thirty days or more shall receive the sum of \$2 for each and every day they were held in confinement as prisoners of war, to be paid by the Secretary of the Interior.

Mr. TARSNEY. I demand a second.

The SPEAKER. The question is on suspending the rules and passing the bill with an amendment. The gentleman from Missouri [Mr. TARSNEY] demands a second.

Mr. MORRILL. I ask unanimous consent that a second may be considered as ordered.

Mr. TARSNEY. I object.

The SPEAKER appointed Mr. TARSNEY and Mr. MORRILL as tellers.

The House divided; and the tellers reported—ayes 98, noes 53.

So a second was ordered.

The SPEAKER. The gentleman from Kansas [Mr. MORRILL] and the gentleman from Missouri [Mr. TARSNEY] will control the time for debate, forty minutes, allowed under the rule.

Mr. MORRILL. I will reserve the time, if necessary, and let gentlemen occupy their time on the other side. [Cries of "Vote!" "Vote!"]

Mr. TARSNEY. Mr. Speaker, in a speech delivered in this House on the 12th day of July, 1888, my distinguished friend from Michigan [Mr. CUTCHEON], speaking to a private pension bill, said:

We are constantly passing private pension bills granting \$35, \$40, \$50, \$75, and even \$100 per month, and we do this without uniformity or system; without equality or equity; without any known or unknown rule or modus; without rhyme or reason; according to the eloquence of the plea, the strength of the written report, or the sympathy of the passing hour.

Had my honored friend but added to that strong, vigorous, eloquent, and truthful indictment the further count that the next succeeding Congress would soon be constantly engaged in passing general pension measures that would embody uniformity without regard to justice, system without regard to merit, equality without equity, rule without discrimination, and rhyme without reason, according to the eloquence of the plea, the buncombe contained in written reports, the sympathy of the passing hour, the exigencies of party, or the effect upon the political future of individual members of this House, then, indeed, would his indictment not only have covered with truth the history of the past, but would have pointed, although perhaps in vain, with a spirit of warning prophecy to the future.

Mr. Speaker, to-day this House is invited to a new departure in the field of pension legislation; to-day, sir, we are invited to incorporate into the pension system of the country a principle never before embodied in the pension legislation of any nation in the world; a principle that, here invoked, as it is claimed, to reward patriotism, would in the future serve only to subvert and destroy a spirit of patriotism.

Mr. Speaker, I occupy a peculiar relation to this measure, a relation not occupied, as I believe, by any other member of this House. It is distasteful to me, sir, as it must be to any gentleman, to speak of one's self in connection with public measures of this character, but, sir, in order that my motives in opposing this bill may not be misinterpreted or misconstrued, in order that this House and the country may understand that I am not actuated by motives of hostility or prejudice toward those who would be in great part the beneficiaries of this measure, but that I am actuated solely by my ideas and convictions of right and what I conceive to be my duty to my country and to myself, I know the House will pardon me if I invite it but for a moment to scan with me one brief page of dark, unpleasant personal history and experience.

Sir, in 1862, then being less than seventeen years of age, loving my country and not willing that its Government should perish from among the governments of the earth, but impelled by no higher sentiment of patriotism than now actuates me, following three elder brothers, I entered the Army of my country. On the 2d day of July, 1863, on the field of Gettysburg, when the life of the action hung in the balance, I was stricken down, wounded, and taken captive. For seventeen months on Belle Isle, and at Andersonville, Savannah, and Millen, I was retained a captive and endured all the hardships and privations the names of those prisons imply. That I live and am here to-day to plead the cause of my country and call a halt in the onward march of rapacious public plunder is owing to successful strategy which gave me liberty, but involved the Government in the expense of erecting a headstone to mark my supposed final resting-place in the prison cemetery at Millen.

Sir, with that record and with no feelings but those of kindness, of sympathy, and of love for those who were true soldiers, my brave, noble comrades in camp, on the field, and in prison, I here, and in their names and behalf, denounce this measure as the most unjust, unmeritorious measure that has yet threatened to disgrace this nation. By this bill it is proposed that the Government shall pay to every person who, being enlisted, was made or became a prisoner of war the sum of \$2 per day for each day of such imprisonment, provided such im-

prisonment existed thirty days. In addition, a permanent monthly pension for disability is provided, or rather the wise and salutary rules of evidence under which all other soldiers are required to establish the origin of their disability are repealed or annulled, and for this favored class the presumption that their disabilities originated from their imprisonment is created and established.

I have said that on behalf of the true, brave soldiers of the war I protest against this measure. I am not in favor of indiscriminate pension measures as this is. I believe that the element of faithful service should be, if not the controlling and determining element in the granting of pensions, at least entitled to be regarded as of some weight and consideration. I believe a consideration for the honor of the real, true, brave soldiers of the war demands that a distinction shall be maintained between them and those who, although wearing the uniform, possessed none of the elements and performed none of the duties of soldiers.

Let me here emphasize what is known as a truism: that all men who wore the uniform were not soldiers and that all men who were in those prisons were not there because they were overpowered and taken captive while in the discharge of their duties as soldiers; and need I argue that it is an injustice to place the brave man, who while risking his life upon the field of battle was stricken down and made captive, upon an equality with the skulking coward captured in the rear, or with the camp-follower or coffee-cooler who became a captive while straggling from his command or while evading the discharge of his duty?

Let not my position be misunderstood. Let there be no misunderstanding or misinterpreting of what I here say. Let no man say that I would reflect upon all prisoners of war or upon them as a class; I could not do that without reflecting upon myself. I am dividing them into classes. I am not making history; I am reciting history. There were classes among prisoners; there was a meritorious class and there was an unmeritorious class. I am distinguishing the meritorious from the unmeritorious. In defense of the honor of the meritorious prisoner of war I draw a distinction between him and the unmeritorious; and because this bill does not recognize that distinction is one reason for my opposing it.

Mr. Speaker, was it known to the Committee on Invalid Pensions when they were considering this measure in committee, was it known to them when they reported it to the House, is it known to them now? No; it could not have been known to my just, big-hearted, kind, and sometimes overgenerous friend, the chairman of that committee [Mr. MORRILL], that there were pirates, robbers, and murderers in those prisons; that men were hanged there by their fellow-prisoners because of their crimes; that others, because of crimes committed upon their unfortunate fellow-prisoners, were retained prisoners in irons, and when exchanged were transported in chains to the jurisdiction of the United States.

Did the committee know that more than one hundred prisoners at Millen, forswearing their allegiance to that flag, forswearing their allegiance to Constitution and country, enlisted under the banners of the Confederacy and went out to fight against the Government that is now asked to put this measure enacted into law upon its statute-books, whereby and in the benefits whereof they and the other criminals of whom I have spoken will be placed upon an equality with the most deserving soldier? No, again I say no; these things could not have been known to the committee, or true soldiers or the country would not have been insulted by this measure being presented to this House without some provisions to preclude such persons from the benefits of the act.

Mr. Speaker, I have thus far argued that this measure ought not to pass because it does not maintain a distinction or any discrimination between the most meritorious and the most unmeritorious ex-prisoners of war and because I believe that any law or any act of the Government that places the unmeritorious upon the same basis and equality with the meritorious is a gross injustice to the latter, and that no law ought to pass granting pensions to soldiers on account of imprisonment that does not involve the question of the merits of the soldier and provide for careful inquiry into the occasion of such imprisonment.

I now propose to demonstrate, sir, that it ought not to pass because it unjustly discriminates in favor of a soldier who was a prisoner of war, though ever so meritorious, as against all other meritorious soldiers. While I may humbly say that I believe I did my duty as a soldier and I know the circumstances concerning my capture and deprivation of liberty, I can not make myself understand why Congress should enact a special law taking \$1,100 of the people's money and granting it to me or granting me any special relief over the brave men who, while I was in prison, were risking their lives and enduring all the hardships, privations, and sufferings of the campaigns that were being waged with such terrific carnage and suffering to those engaged from the Rappahannock through the Wilderness and around the fortifications of Petersburg and Richmond or on the line from Chattanooga to Atlanta.

If the privations, hardships, and sufferings of prison life have affected my health or in any degree taken from me my capacity to earn a livelihood for myself or those dependent upon me for support, the Government has already provided the same ample measures for my relief as

for the relief of other soldiers under existing general pension laws. Every disability arising from any conceivable cause where such cause had its origin while the soldier was acting in the line of duty is already amply provided for, and it must not be understood that it has ever been held or questioned that a soldier was not in line of duty while held a prisoner, so that every disability arising from disease contracted while a soldier was in prison is already provided for.

Now, therefore, if my imprisonment has not resulted in diminishing my capacity for earning a livelihood or has not resulted in disease which brings to me existing pain and suffering, why is the Government under any obligation to specially provide for me over other soldiers whose services were as meritorious as mine, and who were, not only like myself during the period of my imprisonment, deprived of the comforts and even the necessities of life, but were also during that period exposed to all the dangers, hardships, privations, and sufferings of an active and bloody campaign? I assert, Mr. Speaker, that this measure does thus unjustly discriminate against all the brave soldiers whose loyalty, whose splendid courage, whose heroic devotion to duty need no prison record for their attestation, and whose diseases, whose sufferings, whose disabilities are at least equal to those who are made the beneficiaries of this bill.

But, sir, the principle involved in this measure is more obnoxious to me, more abhorrent I should have said, for another reason than for any I have yet mentioned. I am a plain, blunt-speaking man; "little versed am I in the world's set phrase of speech," or in the set-phrased speech of this House; therefore, I say this measure, in the lesson it would teach, is monstrous. I have said that the principle of this bill here invoked to reward patriotism would in the future serve to subvert and destroy a spirit of patriotism. Sir, it teaches surrender; it offers inducement, bounty, and reward to the soldier for surrender; it says to the future soldier of future wars, "Surrender; no matter how, or when, or where! Surrender; get into the hands of the enemy, into prison, and when the war shall have ended you will be preferred in the legislation of your country over the brave soldier who, standing by his flag and his country, faces death on bloody fields."

Mr. Speaker, in concluding what I desire to say in special opposition to this particular measure let me again call the attention of the House to its particular vice in omitting all consideration of the element of merit. It is the vice of all this indiscriminate class pension legislation. I wish to emphasize it here because it is embodied in other measures soon to be brought into this House for consideration. It is embodied in disability bills, in dependent bills, and in service bills.

I believe, sir, and assume this position as a soldier as well as a citizen, that we have been going entirely too fast in the matter of pension legislation, or at least in the administration of pension laws, and the great danger of the hour is that, under pressure from those who are least entitled to the bounty of the Government and who, demanding recognition and reward for services they never performed, care not what suffering, privation, and want may be entailed upon the already impoverished, toiling millions of their fellow-citizens to provide the means of meeting such unjust demands, are organized and banded together to enforce concessions thereto by this Congress, and that being met on this floor by the co-operation of those who prize official position higher than the welfare or honor of their country, we will hasten along this line, not only with more rapidity, but by measures of injustice, not only to the great body of the citizenship of the land, but of absolute injustice to the meritorious and deserving soldiers of the nation.

This indiscriminate pensioning, this granting of pensions alike to the brave soldier, who never missed roll-call, who was never absent from the field, who was always in the line of duty, and to men dishonorably discharged from the service of their country, is the grossest injustice to the meritorious one. So this indiscriminate pensioning of all simply because they had enlisted, simply because thereby they assumed the name of soldiers, and regardless of their service, can result only in depriving the Government of the power to justly and adequately provide for the really deserving.

The Government can not be extravagant in expenditures for the purpose of providing for the care of those who were rendered unable to provide for their own care by reason of wounds or disease incurred or contracted while in the performance of their duty as soldiers, nor can it be too careful in preventing its bounty from being distributed to those who, though carried upon the rolls and though fed and paid and clothed as soldiers, never were in line when wanted and never performed the duties of soldiers.

Sir, I think the time has come when justice to the meritorious soldier demands that he shall be distinguished from the unmeritorious, and I submit, even in this day of mock heroics, in this day of looting and plundering in the holy name of patriotism, and at risk of being considered peculiar in my views, that I believe that the honor of a soldier should not be determined by the inscription of his name upon muster-in rolls nor upon pension-rolls, but by the record his own conduct as a soldier has made for him.

Mr. Speaker, from 1862 to the present moment not one session of Congress has been held but that general pension laws have been enacted or amendments thereto have been made; and although a large

part of every session has been devoted to this class of legislation, to the exclusion of other business; although every new act and amendment has been to enlarge the classes of beneficiaries or to increase the amount allowed the pensioner; although each measure has been declared by authors and advocates to be sufficiently comprehensive and liberal to meet every just demand that would be made for years to come; although our pension system, year by year, as each new enactment or amendment has been added thereto, has been declared to be the most liberal pension system that has ever existed, or, as was declared by my friend from Michigan [Mr. CUTCHEN], in the speech to which I have already referred, "with all its faults and incongruities this is still the most generous pension system, especially to the private soldier, that has ever existed under any Government," yet, sir, notwithstanding all this, year by year, as new enactments increasing the expenditures of the Government on account of pensions have been placed upon the statute-books, until the expenditures therefor have trebled those of 1880, are fourfold greater than in 1870, and nearly tenfold greater than in 1866, a year after the war had closed, the demands of those for whom such expenditures have been made have constantly increased, and to-day such demands are more loud and more universal than at any time before the present liberal pension laws were enacted.

It would seem as though this demand for pension expenditure were "an appetite that doth increase by what it feeds on."

The following table, taken from the official report of the Commissioner for the fiscal year ending June 30, 1889, shows the total number of applications for pensions filed, total number of claims allowed, classification, and total disbursements for pensions each year from 1860:

| Fiscal year ending June 30— | Total number of applications filed. | Total number of claims allowed. | Number of pensioners on the roll. | | | Disbursements. |
|-----------------------------|-------------------------------------|---------------------------------|-----------------------------------|--------------|---------|------------------|
| | | | Invalids. | Widows, etc. | Total. | |
| 1861..... | 2,487 | 4,462 | 4,337 | 4,299 | 8,636 | \$1,072,461.55 |
| 1862..... | 2,487 | 4,462 | 4,341 | 3,818 | 8,159 | 790,384.76 |
| 1863..... | 49,332 | 7,884 | 7,821 | 6,970 | 14,791 | 1,025,139.91 |
| 1864..... | 53,599 | 39,487 | 23,479 | 27,656 | 51,135 | 4,504,616.92 |
| 1865..... | 72,684 | 40,171 | 35,880 | 50,106 | 85,986 | 8,525,153.11 |
| 1866..... | 65,256 | 50,177 | 55,652 | 71,070 | 126,722 | 13,459,996.43 |
| 1867..... | 36,753 | 36,482 | 69,565 | 83,618 | 153,183 | 18,619,866.46 |
| 1868..... | 20,768 | 28,921 | 75,967 | 93,686 | 169,653 | 24,010,881.99 |
| 1869..... | 26,066 | 23,196 | 82,859 | 105,104 | 187,963 | 28,422,884.08 |
| 1870..... | 34,851 | 18,221 | 87,521 | 111,165 | 198,686 | 27,780,811.81 |
| 1871..... | 43,969 | 16,562 | 93,394 | 114,101 | 207,495 | 33,077,383.63 |
| 1872..... | 26,391 | 34,333 | 113,954 | 118,275 | 232,229 | 30,169,241.00 |
| 1873..... | 18,303 | 16,052 | 119,500 | 118,911 | 238,411 | 29,185,289.62 |
| 1874..... | 16,734 | 10,465 | 121,628 | 114,613 | 236,241 | 30,593,749.56 |
| 1875..... | 18,704 | 11,152 | 122,983 | 111,832 | 234,815 | 29,683,116.63 |
| 1876..... | 23,523 | 9,977 | 124,239 | 107,898 | 232,137 | 28,351,999.69 |
| 1877..... | 22,715 | 11,326 | 128,723 | 103,381 | 232,104 | 28,580,157.04 |
| 1878..... | 44,587 | 11,962 | 131,649 | 92,349 | 223,998 | 26,844,415.18 |
| 1879..... | 57,118 | 31,346 | 138,615 | 104,140 | 242,755 | 33,780,526.19 |
| 1880..... | 141,466 | 19,545 | 145,410 | 105,392 | 250,802 | 57,240,540.14 |
| 1881..... | 31,116 | 27,394 | 164,110 | 104,720 | 268,830 | 50,626,338.51 |
| 1882..... | 40,939 | 27,664 | 182,633 | 103,064 | 285,697 | 54,296,280.54 |
| 1883..... | 48,776 | 38,162 | 206,042 | 97,616 | 303,658 | 60,431,972.85 |
| 1884..... | 41,785 | 34,192 | 225,470 | 97,296 | 323,766 | 57,273,536.74 |
| 1885..... | 40,718 | 35,767 | 247,146 | 97,979 | 345,125 | 65,693,706.72 |
| 1886..... | 49,895 | 40,857 | 270,346 | 95,437 | 365,783 | 64,584,270.45 |
| 1887..... | 72,465 | 55,194 | 306,298 | 99,709 | 406,007 | 74,815,486.85 |
| 1888..... | 75,726 | 60,252 | 343,701 | 108,856 | 452,557 | 79,646,146.37 |
| 1889..... | 81,220 | 51,921 | 373,699 | 116,026 | 489,725 | 89,131,968.44 |
| Total..... | 1,248,146 | 789,121 | | | | 1,052,218,413.17 |

The expenditures of the Pension Office for the fiscal year 1890 exceed \$100,000,000; hence we see that the cost to the Government on account of pensions has increased from \$13,459,996.43 in 1866 to upwards of \$100,000,000 in 1890, and yet the annual expenditure for pensions has not yet reached, by any reasonable approximation, one-third of the maximum to which it will reach under existing laws; and, although there should not be an additional pension law passed or an amendment to existing laws enacted, under the law as it exists and as it is administered, the annual cost to the Government five years hence on account of pensions will almost as an absolute certainty exceed \$300,000,000.

Sir, when I contemplate the magnitude of this charge upon the resources and industries of the country, when I contemplate that this sum represents the added cost on account of the consumptions of the already impoverished consumers, and that it is a charge upon the wages of the toiling millions of this land, I am constrained thus to paraphrase the "Song of the shirt:"

Oh, God! that human toil should be so cheap,
And patriotism be so dear.

On June 30, 1889, there were, as shown by the Commissioner's report, 489,725 pensioners on the rolls, and there were then pending and adjudicated 479,000 claims and applications for pension. In this report Mr. Commissioner Tanner says:

The number of pending claims, as shown by the published reports, has been constantly increasing beyond the utmost power of the office to dispose of them for the past four years, and a notable increase since the 1st of last March.

From the 1st of March to the close of the fiscal year (June 30, 1889) there were filed 35,000 original invalid claims, making 112,000 claims of all classes filed in this period. This was a gain upon the office of over 35,000.

A glance at the foregoing will show that, although twenty-five years have elapsed since the close of the war, the number of new applications for pension, instead of diminishing, has constantly and rapidly increased with each succeeding year. Reports of the Pension Office for each of the past five years show new applications filed as follows:

| | | | |
|-----------|--------|-----------|--------|
| 1885..... | 40,918 | 1888..... | 75,726 |
| 1886..... | 49,895 | 1889..... | 81,220 |
| 1887..... | 72,465 | | |

The total number of pension claims of all classes adjudicated and disposed of by the Pension Bureau for the nine years ending June 30, 1889, and the number of such claims allowed and rejected is shown as follows:

| Year. | Allowed. | Rejected. | Total adjudicated. |
|------------|----------|-----------|--------------------|
| 1881..... | 41,495 | 14,886 | 56,341 |
| 1882..... | 37,895 | 21,295 | 59,190 |
| 1883..... | 61,704 | 42,687 | 104,391 |
| 1884..... | 57,930 | 43,383 | 101,313 |
| 1885..... | 71,587 | 31,935 | 103,522 |
| 1886..... | 76,368 | 62,732 | 134,100 |
| 1887..... | 90,008 | 44,234 | 134,242 |
| 1888..... | 105,838 | 78,080 | 183,918 |
| 1889..... | 123,001 | 56,979 | 179,980 |
| Total..... | 665,786 | 396,211 | 1,061,997 |

As the foregoing table shows that of all cases adjudicated in the past nine years, a little upwards of 60 per cent. have been allowed upon first adjudication; if the same percentage should be maintained in the adjudication of the 479,000 cases pending on June 30, 1889, this would add upwards of 287,400 pensioners to the rolls.

It must not be understood that the 40 per cent. marked "rejected" upon first examination are thereby finally rejected. Under the practice of the bureau there is practically no such thing as a final rejection of a claim. Claims are marked "rejected" or placed upon the rejected files when, in the judgment of the examiners, there is a technical lack of proofs or some other reason which prevents an immediate allowance; and the best evidence attainable warrants the statement that fully 75 per cent. of the cases placed upon the rejected files are finally allowed.

Hence, when we consider the number of pensioners now on the rolls, the number of applications already filed, the percentage of such applications that will be allowed, the rapid increase in new applications, the enormous increase in the aggregate of pension expenditure arising from the system of rerating and increasing the allowance of pensioners after they have been placed upon the rolls, the belief is warranted that the estimate which I have already made, that in five years there will be required \$300,000,000 annually to meet the fixed charges of the Pension Office, is a very conservative estimate and will be found to be below the actual amount that will be required for that purpose.

Mr. Speaker, in view of these facts and figures and in view of the fact that, although the charges of our present pension system have not yet reached one-third the maximum that will be reached, the people are already groaning under the burdens of taxation thereby imposed, and that, when the cost thereof shall have reached, as it certainly will reach, the sum of \$300,000,000, that sum will represent an annual tax of \$4.50 per capita upon every man, woman, and child in the land, represented, under our system of taxation, in an increased cost of their necessary consumptions, would it not be well, sir, for Congress, instead of rushing forward upon new lines of reckless and extravagant expenditure without inquiry or consideration concerning the merits of the claims of those for whom such expenditures are asked, to pause and for one brief moment, at least, give consideration to the rights and protests of those by whom the burdens of such expenditures must be borne? Might it not be well for us, sir, to pause and inquire if this generous nation has not already gone far enough in requiring any obligations it was under to those for whose benefit these expenditures are made?

Mr. Speaker, I have already quoted from a speech of the distinguished chairman of the Committee on Military Affairs [Mr. CATCHER], and shall continue to further quote from that speech because the gentleman was himself a soldier and because that speech was intended to cover the whole field relating to the subject of pension legislation, and it is a leading speech upon that subject in this House. With many of the views therein expressed I fully concur, but in none do I more heartily concur than in the following:

Any pension system has its drawbacks which should lead us to exercise care in extending it. Whatever tends to lessen the manly self-dependence, the virility, and the chivalry of a people is to that extent an evil; whatever tends to put a money price upon patriotism is not a blessing.

Sir, I ask this House, I ask the country, if the demand now being made for additional pension legislation is not made and if such legislation is not solely demanded as the price of patriotism? No legislation is needed or demanded to compensate the soldier for individual loss resulting from disability arising from his service in the war. These have already been provided for and fully covered. It is for the vicis-

situdes and misfortunes of ordinary life, common to all citizens, in no degree occasioned or influenced by any service to the Government, that the Government is asked to provide, and this as compensation for alleged or presumed patriotic services.

I use the words "alleged or presumed" because the proposed legislation contemplates no inquiry into the character or degree of the service or whether any service was performed, but the same is to be presumed from the face of muster-in rolls. The purpose of those who are banded together in advocacy and support of every conceivable raid upon the Treasury of the country, based upon pleas of compensating for patriotic services—services in which the lot and part taken by those advocating such schemes was in inverse ratio to their clamor for compensation—is well shown by the address of the last commander-in-chief of the Grand Army of the Republic, delivered at the annual national encampment of that organization at Milwaukee last August. He said:

If we are true to ourselves, before the next encampment every comrade disabled by age, sickness, or accident, and the widows and orphans of all veterans will be borne on the pension-rolls.

Again he says:

We, the survivors of these men; we, who gave the best years of our lives to our country, will present our claims to Congress, and in doing so will not approach those in authority "with bated breath and whispering humbleness," but as free men we will demand, etc.

Who doubts that when this address was made it was made to an audience nine-tenths of the members of which were already drawing pensions and who understood the "demand" to mean a demand for "increase" and "rerating?"

Sir, it is addresses of this character, seed like this, sown in congenial soil, that has created, encouraged, fostered, and built up a spirit of dependence, of rapacity, for governmental support, a spirit of mendacity in that class who "roar so loud and thunder in the index," a class of professional soldiers, who, though they wore the uniform of the country, were soldiers only in name, and from whom true soldiers turn away with loathing and disgust.

Sir, it is true that all these measures have received the official sanction, indorsement, and recommendation of the Grand Army of the Republic (except the measure now under consideration), but it is not true that they are advocated, indorsed, or recommended by the great mass or body of the soldiery of the Union or even by the great body of that order. Permit me here, sir, to read as a part of my remarks an article from the pen of a distinguished citizen of this country, whose talent and statesmanship once adorned and illuminated the other Chamber, who was himself a member of this order. He says:

Not unnaturally, the survivors of the armies of the war of the rebellion at the close of that war were drawn together in fraternal organizations. Similar organizations had been a logical sequence and attendant of the close of all great wars since the world began, and probably always will be. The recollections of fellowship in common dangers, in common defeats and victories, in dreary marches and lonely bivouacs, in which they had shared each other's hazards and privations, had naturally begotten a brotherly feeling, sympathies, and friendships, stronger and more enduring than the ties of blood.

The Society of the Grand Army of the Republic was, therefore, a conspicuous and proper product of that great struggle, the greatest contest of arms and waged in the grandest cause that the world had ever seen. The purpose of the organization was good, and received the universal sanction of the country.

One of the self-assumed duties, and legitimately so, of the Grand Army Society is to assist all deserving comrades, and their dependent heirs, in procuring the pensions provided for them by the laws of the country. In this the order has undoubtedly rendered valuable service to all such, and done much good.

But in view of the various and unjustifiable abuses to which those laws have been diverted, the perjury and fraud and the public robbery that have been perpetrated in their name, can the order, in decent self-respect and in the honest and legitimate administration of the pension laws, afford to withhold its public and vigorous protest against that system of public robbery, perjury, and fraud that is bringing public discredit upon every true, honest, fighting soldier on the pension-rolls?

Practically all the barriers and safeguards against false pretense and fraud are broken down. The prosecution of pension claims has been so thoroughly reduced to a business scheme by professional claim agents, and the granting of them by the Pension Office and by Congress has been so thoroughly reduced to a condition of systematic demagoguery, in which a bill granting a special pension has come to be equivalent to so many votes for a return to Congress at the succeeding election, that the public conscience and the independent, manly instincts of the country have become blunted, and the people are being taught that it is honorable to live upon charity, no matter by what species of legerdemain or false pretense or perjury obtained.

Unfortunately, the Grand Army of the Republic is, to a large degree, committed to the establishment and maintenance of this condition of affairs.

Can the order afford to carry the responsibility for its longer continuance?

It is the misfortune of the order that this condition has been brought about and this criticism invited by the actions of men who have succeeded in reaching responsible and honorable public station as its representatives. It is still more unfortunate that these men are sustained and their action approved by a very large proportion of the active membership of the order.

Five hundred thousand pensioners on the rolls at an aggregate cost to the tax-payers of \$100,000,000 a year, and daily increasing at a frightful rate twenty-five years after the close of the war, is one of the most extraordinary and startling incidents of modern history. It is so extraordinary and startling that it has set the people to thinking, and from thinking they will naturally, in due time, proceed to action.

Then, again, those pension laws have been so promiscuously used as a cloak to cover the most shameless impositions upon a generous and confiding tax-paying public through perjury and fraud by gangs of bounty men, substitutes, etc., that the thought of seeing their names placed upon the pension-roll, that should be a sacred roll of disability from honorable service in the field, side by side with those, is enough to crimson with indignation and shame the cheek of any honest fighting soldier.

Sir, I indorse every sentiment, every line and letter, of that article and adopt it as my own. I would not intimate, much less assert, that

the great mass or body of the Grand Army of the Republic were responsible for the abuses, the frauds, the perjuries, and robberies that characterized our pension system and the administration of our pension laws, but I do assert that the potential element in the order, the men who are in attendance at all gatherings and encampments of the order, and always clamoring for pensions and for pension legislation and who give utterance and voice to the organization, are men without records as soldiers. The report of the adjutant-general of the Grand Army of the Republic for the year 1889 shows a membership therein in good standing of 382,589, less than one-fourth of the surviving soldiers of the Union armies. It is the self-constituted spokesmen for this one-fourth who are making all this clamor for pensions and pension legislation.

Where is the great body of the membership of that order and where are the other three-fourths of the survivors of the armies? Sir, as in the days of war and battles, they were men of convictions, of courage, of activities, of self-dependence, and of self-reliance, so to-day, with the same convictions, the same courage, the same self-dependence, they are to be found in every walk and avenue of life, in every avocation and calling, nobly and manfully battling with the world for the working out of their own destinies.

They have turned away with loathing and in disgust from this ceaseless cry of "Give, give, give," which, being uttered in their names, is robbing them of all that is honorable in the name soldier. They want their brave comrades who were in any degree incapacitated from caring for themselves by reason of their service to their country to be well and liberally cared for by that country, but they protest against the bounty of the Government which should be given to those deserving soldiers being distributed to those whose only evidence of service or claim to such bounty is found in the records of perjury stacked high in the Pension Office.

Sir, the half million pensioners now on the rolls do not constitute one-twentieth of the voting and tax-paying population of the country, and the other nineteen-twentieths who bear the burdens of the system are becoming dissatisfied and discontented. They would not have the name of one deserving soldier stricken from the rolls, nor would they have his allowance reduced one farthing; they would rather it should be increased; but they have a right to protest, and they do protest, against being taxed to support those who have no claim to the gratitude of the country, who are wrongfully upon that roll. And who doubts that a large percentage of those who are on that roll are men who never saw a day of active service in the Army, camp or field; who doubts that fully one-third of those who are drawing pensions for disabilities incurred in the line of duty never were in the line of duty and that they have established their claims by the most flagrant perjury?

Who doubts that, if every pensioner on that roll were to-day summoned before a judicial tribunal to show cause why his name should not be stricken from that roll and if the questions of his disability and its cause and the origin were there tried and determined as other issues of fact are tried and determined, fully one-half of those now drawing pensions would be stricken from the rolls?

Sir, unless this unmerited and indiscriminate pensioning be stopped, this dissatisfaction and discontent of the tax-paying citizens of the country will grow until it culminates in wrong and injustice to the meritorious and deserving pensioners; and it is for them and in their names I cry you, Halt!

Mr. Speaker, my friend from Michigan, in that speech from which I have quoted and from which I love to quote, says:

But in that awful hour of our dire necessity, when the slippery slopes of Gettysburg blazed with deadly fire and the fate of the great Republic hung in the trembling scales of destiny, the great metropolitan journals had not yet learned to sneer at "the grand army of paupers and mendicants." Then they were patriots. Then they were heroes. Then they were worthy of all praise and reward. Then there was nothing that could be done or promised beyond their deserts. And while the millionaires and speculators and journalists made merchandise of their heroism, these men bared their breasts to the storm and rolled back the crimson tide of war.

Sir, I doubt if ever metropolitan journal or mortal man did sneer at the men who "stood upon the slippery slopes of Gettysburg" and "rolled back the crimson tide of war." I concur with my friend that all the men but one who stood upon those slippery slopes were patriots, were heroes, were worthy of all praise and reward; that there was nothing that could be done or promised beyond their deserts; but, sir, these are not the men that are sneered at or called paupers and mendicants. It is of those who might have been, who should have been upon those "slippery slopes," whose duty it was to be, but who never were, "upon the slippery slopes of Gettysburg" or of any other battle-field, but who are upon the pension-rolls or are clamoring for pension legislation, that I do most justly complain.

Sir, I can not summon to my aid the eloquence, the rhetoric, or the masterly command of language possessed by my friend, but let me, in my poor, plain methods of speech, present to you the companion piece to that which he has drawn. Sir, there was on those slippery slopes of Gettysburg a regiment from the State the gentleman represents that had no superior in the Army of the Union or in any army of that or any other war; a regiment that left 189 of its brave heroes dead upon the battle-fields of the rebellion; a regiment that left a colonel dead upon each of the battle-fields of Malvern Hill, Gettysburg, and the Wilder-

ness; that regiment went upon the field of Gettysburg with only 190 officers and men, and left upon those slippery slopes and in the hands of the enemy 100 of that number; yet, sir, the records of the Pension Office yonder will show more applications for pensions from that organization than the number of men it ever went upon any battle-field of the war with.

Where were those applicants for pension on that day of Gettysburg? Many of them were brave soldiers who had fallen under the hardships, privations, and fatigues of military life, and are justly upon the pension-rolls; but many more, long before they had an opportunity to "bare their breasts to the storm and roll back the crimson tide of war," had, conveniently for themselves, obtained a hospital record upon which they secured a discharge and enrollment on the pension-rolls; but the men of Gettysburg, save those who were there wounded, have no hospital records and are not on those rolls. I have here taken the record of a regiment in which all brave men should feel a just pride. What, then, would the combined records of all the regiments of the Army show?

Mr. Speaker, for many years under our system of taxation more money has been taken from the people than was required for the support of the Government, wisely, justly, and economically administered; under that system vast sums of money have been taken from the people, withdrawn from the channels of trade and commerce, where sorely needed, and locked away in the vaults of the nation in idleness; ay, worse than in idleness, for it is there an inducement to wanton extravagance. Sir, under that system vast millions of money have been unjustly, unnecessarily, and inequitably taken from the people by the enhanced and increased cost of their consumptions and locked away, an idle surplus, in the Treasury, and the existence of that surplus has been the inducement for this clamor for unwise, unjust, and unnecessary expenditure and extravagant legislation.

The strongest arguments used favoring this and kindred measures are that the Government is rich and can be liberal, that the money is needed by those to whom it is proposed to distribute it, and that it will dispose of the surplus and get the money in circulation among the people.

I can not dispose of these propositions without again referring to the speech of my friend from Michigan [Mr. CUTCHEON]. He says:

The two great questions that confront us at this hour are: First, how shall we dispose of the existing surplus in the Treasury and, second, how shall we prevent its further accumulation?

Sir, the first of these great problems, "How shall we dispose of the existing surplus?" was, as it seems to me, fully answered when a few days since this House passed an urgent deficiency bill, appropriating upwards of \$22,000,000, and, sir, the answer suggested to my mind to the second problem, "How shall we prevent a further accumulation of such surplus?" is by reduction of unnecessary and unjust taxation; by giving some consideration to the rights of the people by taking off from the tax schedule sufficient of the prime commodities which enter into their daily wants and necessities, and thereby reduce the revenues of the country to the limit of just, necessary, and economic expenditures. But, again, my friend says:

There is still another object of legitimate, proper, and patriotic expenditure by which this plethora may be relieved and the highest interest of the country subserved, and that is in the extension of our pension system. There is no form of disbursement of public funds that brings so great benefits to the business of the country, alleviates so much suffering, and, upon the whole, accomplishes so much for the general welfare. It is scattered in small sums into all the remotest parts of the country; it enters at once into circulation among the people and passes through all the channels of trade; it is like the arterial blood, constantly forced out to the extremities and constantly returning again to the heart.

When it is considered that this argument leaves out of consideration all questions as to whom this money belongs, all question of right in taking it from the people, all question concerning the merit of the claims of those to whom it is to be given, we may well wonder why this unique argument has not heretofore been appropriated by the great criminal lawyers of the country, and we need not be surprised hereafter when we read that some great leader of the criminal bar, arising in defense of the burglar who has relieved some bank of the plethora within its vaults or some miser of his hoarded idle surplus, shall urge that there was no other means of disbursement which would bring so great benefits to the business of the country, alleviate so much suffering, and on the whole accomplish so much good for the public welfare, because it scattered the stolen funds in small sums into all the remotest parts of the country, put it at once into circulation among the people, and caused it to pass through all the channels of trade.

Sir, the supposed simile, so beautifully presented by the gentleman that "it is like the arterial blood, constantly forced out to the extremities and constantly returning to the heart," finds no basis or foundation in this case. The money constituting this surplus was drawn from the extremities, and by the proposed methods would not be returned either to the hearts or pockets of those from whom it has been wrongfully taken.

Sir, it is said that the Government is rich and therefore it need not watch with care its expenditures. If it be true that the Government is rich, then the anomaly exists of a rich Government and a poor people; for, sir, the masses are poor and the wealth of the country is aggre-

gated in the hands of the Government and the few citizens who are the beneficiaries of that system which has made the masses poor. And, sir, let me here say, not as one who would assume to speak the language of prophecy, but as one of the people and from the people, who has observed the signs that indicate their feelings, their aspirations, their hopes, and their determination, that unless this Congress shall change the iniquitous system which is day by day robbing them of the fruits of their industry and sinking them deeper and deeper into the depths of impoverishment, and shall call a halt in this reckless and extravagant legislation by which the people through the public Treasury are being robbed and plundered to purchase seats for demagogues upon the floor of this Chamber, another set of men will be sent here who will so legislate that the wealth of this nation shall bear its just proportion of the burdens of the support of the Government and who will legislate within the bounds of decent economy.

Mr. Speaker, our pension system needs no extension; the laws are now ample to allow a pension to every deserving soldier suffering from disability resulting from his service. It is the most just, liberal, and generous pension system known to the history of the world. I would not extend it at this time, neither would I contract its scope by the repeal of any of its provisions. It is not of the system that I complain, it is of the administration of the system.

Sir, the country has marked with growing disfavor the fact apparent that a great department or bureau of the Government, furnished with \$100,000,000 annually of the people's money to provide for the wants of the deserving defenders of the nation's life, who by reason of their heroic devotion to the cause of their country are rendered unable to provide for their own wants, is recklessly scattering such funds to the deserving and undeserving alike, that the least meritorious claimant is the preferred claimant, that at each recurring election the treasure of that bureau is offered by political parties (as bidders in front of the auction block make offer for any commodity) in purchase of what should be the unbought suffrage of the people.

Sir, I speak with no partisan bias in this matter. I have watched the proceedings of this House and debates upon pension legislation for years, and I have seen and heard men on each side of this Chamber eloquently declaiming that the party to which they belonged had, when in control of legislation, been more liberal than the other party in appropriating the people's money for pensions; but, sir, search the CONGRESSIONAL RECORD and find me sentence, line, or word in any of those debates where attention was called to the fact that a large percentage of money thus appropriated went to those who had no claim upon the gratitude of the country; show me if you can where one of these eloquent guardians of the people's purse ever boasted that he or his party had ever endeavored to purge the pension-rolls of those who have no claim upon the bounty of the Government; show me, I beg you, where and by whom it was ever urged upon this floor that the element of merit or service of the claimant was an element to be considered in the granting of pensions.

Sir, at the risk of offending professional soldiers and professional patriots, but in the discharge of a sacred duty to the real soldiers of the war and to my country, I here declare that the administration of our pension system is rotten from base to turret; that there are tens of thousands of men on the pension-rolls whose names should not be there, who, by being classed as soldiers, are robbing real soldiers of all there is of honor in the name of soldier; and if you would deal out exact justice to this class, instead of granting to them ratings and increase of pensions, you should strike them from the rolls—

And place a whip in every honest hand
To lash the scoundrels naked through the land.

Mr. Speaker, remember I am not attacking the system; I am attacking the abuses of the system. I would not destroy or tear down; I would reform, purify, and build up. And how can this be done? Sir, he who simply calls attention to abuses in a system without pointing out a remedy for such abuses has done less than half his duty. I submit, Mr. Speaker, that the great mainspring and cause of the evils in the administration of our pension system of which we complain arises from the element of political control, and the first great step in the direction of reform lies in divorcing the bureau from the field of partisan politics and from political control.

I would, therefore, transfer the Pension Bureau from the control of a political Department to that of a non-political Department of the Government and to the Department to which it properly belongs. I would transfer the bureau from the Department of the Interior to the Department of War, and I would place at its head, not a politician, but a soldier, a brigadier-general of the Army. Whether this be done or not, I would have a select committee of this House make a thorough investigation of the working of the Pension Bureau and of the alleged abuses of the system and have them report to this House such measures as will correct such abuses, and particularly some plan by which those who are now wrongfully drawing pensions may be dismissed from the rolls. Measures looking to both these objects it is my intention to bring to the attention of the House at no distant day.

Mr. Speaker, when our pension system shall have been divorced from politics; when the existing abuses shall have been corrected; when the unmeritorious shall have been stricken therefrom; when it shall have

been made, as it was designed to be made, a channel through which the gratitude of a generous government might be conveyed to deserving heroes who saved the life of the nation; when it shall no longer present the spectacle of its rolls bearing, side by side, the names of brave soldiers and cowardly deserters, of maimed and crippled heroes with those who were dishonorably discharged from the service of their country; when it shall have been made a roll of honor and a mark of honorable disability incurred in the service of the country, then, sir, it will add to, instead of detracting from, the bright luster of the honor of a true soldier to have his name inscribed thereon, and then, sir, true, brave, and deserving soldiers, suffering disabilities because of their heroic services, will not be insulted by the Government's measuring its gratitude for such service and compensation for such disability at the rate of \$2 or \$4 per month.

Mr. Speaker, had I hours instead of the limited moments that are allowed me, I would not attempt to answer such arguments as have been presented in favor of this bill.

I have no desire to open the grave of the dead past and drag forth its lifeless tenant, either for unseemly invective or for still less seemly panegyric.

Since the flag of the Confederacy went down at Appomattox, since our great chieftain said "Let us have peace," since we became a reunited people and reunited States, I have not thought it the part of wisdom or of patriotism to endeavor to keep alive the hatreds or animosities engendered in civil strife. I will say, however, for the satisfaction of my friends on the other side of the House and speaking from experience, that I have boarded in better boarding-houses than those that have been made the subject of their arguments on this bill.

Mr. Speaker, I want here and now to remind gentlemen on the other side of the Chamber that in the campaign of 1888 the leaders of the Republican party and the candidates of that party went throughout the country promising the ex-soldiers of the land "the earth and the fullness thereof." You promised them a service-pension bill, a dependent pension bill, a disability bill, and an ex-prisoners-of-war pension bill. You are now confronted with these promises and fulfillment is demanded of you.

When you made those promises did you intend to keep them or did you intend to deceive? It was a plain contract of bargain and sale. Do you intend to keep those promises now? I here notify you that you must like men face the responsibilities of those promises and go upon the record. You shall not be permitted to evade them.

The Committee on Invalid Pensions is a privileged committee. It can present its measures here at any time under the rules of this House and enforce consideration of them. Why, then, do you present these measures on suspension days when it requires a two-thirds vote to carry them? Why do you ask to put them through under suspension of the rules? Your purpose is apparent and will not deceive. You dare not pass the bills you promised and you are afraid to bring any pension measure in here under the rules of the House that permits of amendments being offered.

You present these indiscriminate measures which place the most meritorious and most unmeritorious upon an equality knowing and, I believe, hoping that you can not get a two-thirds vote in favor of them, hoping they will not pass; then you will go home and say to the taxpayer, who is opposed to extravagant legislation, "We have been economical; we did not give way to the clamor for extravagant pension legislation; we passed no general pension bills."

When you are confronted by the soldier with your broken promise, you will turn the other side of your face and say, "We could not pass a service bill; we could not pass a dependent bill; we could not pass any pension legislation. It required a two-thirds vote. We tried, but could not."

Sir, it does not require a two-thirds vote to pass any measure. It only requires a majority vote when you present your measures under the rules you yourselves have made. You have that majority. Why do you not pass them?

Come, boys, you must show your hands. You dare not pass the measures you have promised, but you will not be permitted to dodge. You will go upon the record as voting for or against them, or you will pass no deceptive, unjust, unmeritorious, and unasked-for pension measures through this Congress.

THE SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

MR. BOOTHMAN. Mr. Speaker, I will not object, but I ask that the same privilege be extended to those who desire to print remarks in favor of the bill.

MR. KERR, of Iowa. I object. I make no objection to any gentleman who shall speak on the measure extending his remarks, but I object to general leave to print remarks.

THE SPEAKER. Is there objection to the request of the gentleman from Missouri to extend his remarks in the RECORD? The Chair hears none.

MR. BOOTHMAN. I ask unanimous consent that the gentlemen who speak upon this bill may have leave to extend their remarks in the RECORD.

There was no objection, and it was so ordered.

Mr. TARSNEY. I now yield five minutes to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, if a bill could be drawn which would give to deserving prisoners of war—and deserving prisoners of war alone—a special pension, I should certainly favor it. But, sir, this bill goes too far. It covers too much ground. It takes in the malingering as well as the soldier. It covers the cowards as well as the disabled soldiers and the brave men. There is no man who served in the Army who does not know that many a man became a prisoner of war of his own volition; became a prisoner of war to escape the heat of the fight; became a prisoner of war because he thought there was less danger to his life in doing so than in staying in the ranks and fighting bravely at the side of his comrades.

As a general thing prisoners of war not surrendered by their officers are either men who are left disabled on the field of battle, or men who are overbrave, or men who are cowards. Army comrades know that there were more of the latter than of the former. I am willing with all my heart to pension the disabled soldier captured on the field or the brave soldier who dashed into the fight eager to meet the enemy without weighing the situation and was taken prisoner. But I am not willing to pension those who sought safety in dishonor. You must separate the cowards from the brave men before this bill can have my vote.

Now, Mr. Speaker, I was at Banks's Ford in the rear-guard of the Sixth Corps, in Vermont Brigade, when the ponton bridges were taken up after General Sedgwick recrossed the Rappahannock in May, 1863. It was during the battle of Chancellorsville. The river was enveloped in fog. After we took up the pontons there were cries from comrades on the other side. Among them were men who had told me previously that they had heard that Jenkins's and Wilcox's Confederate brigades held Banks's Ford and that we would have a desperate fight in recrossing the river. They expected that we would have to wade the stream under fire. They preferred to stay upon the south side and take their chances as prisoners of war, without risking another fight. Many of them were captured. Why should we pension such men when thousands of brave and disabled soldiers who were not captured are waiting for justice?

Now, sir, I will give you another illustration where this bill would be out of place. In the battle on Sunday preceding the crossing at Banks's Ford, at Salem Heights, there was a prisoner at brigade headquarters. He was a Union soldier, convicted, unjustly, of striking a superior officer and sentenced to two years at the Riprap.

In the thick of the fight he asked what he had better do. I said to him: "Rafe, if I were in your place I would go down the hill into that piece of pine woods. It is full of 'Johnnies.' They will take you in, and then you will be safe." He took my advice. He flew down the hill as though he had wings. The Johnnies captured him, and he was safe for five or six months, safe at Belle Isle. He was exchanged afterwards. Meantime his regiment had been mustered out, and he came North all right with no fear of the Riprap. He re-enlisted for \$1,000 bounty. He may be dead and he may be alive. If he is dead he does not need a pension and if alive he does not deserve one. In this bill, if he is alive, you offer to pay him \$2 a day for all the time he was confined in Belle Isle. [Laughter on the Democratic side.]

It seems to me, Mr. Speaker, that this pension measure will not wash. It ought not to wash with the veterans, and a bill so all-sweeping in its character certainly will not wash with the tax-payers.

[Here the hammer fell.]

Mr. MORRILL. I now yield three minutes to the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS. In the brief time allotted to me I shall simply enter a protest against the sentiment expressed by the gentleman from Missouri [Mr. TARSNEY] and the gentleman from New York [Mr. CUMMINGS] against this deserving class of ex-Union soldiers and sailors. The bill is not of the sweeping character stated by the gentleman from Missouri. It is not of a character that will pension every man who was a prisoner of war during the rebellion. In lines 9, 10, and 11 of this bill it expressly limits it to those persons who were disabled during the time that they were held as prisoners of war.

Mr. TARSNEY. Will the gentleman yield to me for a question?

Mr. HOPKINS. I have only a minute or two, and can not yield.

Men who, like my friend, the gentleman from Missouri, came out of that bondage whole in body and in mind are not included in this bill. Those men who suffered the horrors of Andersonville, Belle Isle, and those other Southern places which have been mentioned by the gentleman, and came out of them decrepit either in person or in mind, are those of whom this bill proposes to take care.

Now, Mr. Speaker, I do not care whether that includes one person or thirty thousand persons, as mentioned in the report of the minority here. I care not what the previous service may have been of any man, if he served his country and was taken a prisoner of war and by reason of his detention as a prisoner has become disabled, I say it is the duty of this Government to care for him.

The gentleman from New York [Mr. CUMMINGS] has mentioned the experience that he had. Simply because he told one man to violate his duty as a soldier and turn traitor to the colors of his country, would he deprive twenty or thirty loyal, true men who honestly served their

country? Can any man with any logic or with any reason argue from a single experience that he might have had during the war that therefore all the men who were taken prisoners in battle or otherwise should be deprived of any right to be provided for in a bill like this?

Now, Mr. Speaker, I grant you that there may be individual instances cited where men voluntarily became prisoners of war; but that was not true of the general body of men whom this bill proposes to care for, and that was not true of the class of men who were taken at Gettysburg, as described by the gentleman from Missouri.

That was not true of the men that were taken at Vicksburg, at Shiloh, at Antietam, and in the battle of the Wilderness. These are the class of men whom this House proposes under this bill to care for, and I say, sir, as long as there is one drop of blood that beats true to the principles and interests of our country in the breast of any member of this House he should stand up and vote for this bill.

Mr. CUMMINGS. Will the gentleman answer a question?

The SPEAKER. The time of the gentleman has expired.

Mr. MORRILL. I yield two minutes to the gentleman from Ohio [Mr. BOOTHMAN].

Mr. CUMMINGS. I just want to say that this bill does pension every man who was a prisoner of war, whether he was disabled or not.

Mr. BOOTHMAN. Mr. Speaker, I have always counted it a fortunate thing, among the other fortunate things in my life, that when I was serving in the Army along with my friend from Missouri [Mr. TARSNEY] I did not have the ill fortune to fall into the hands of the enemy as a prisoner of war; and, sir, I can not conceive how the gentleman from Missouri [Mr. TARSNEY], when he stops and thinks of the horrors of the prison-pen that he himself was placed in, can for one moment argue here before the American Congress that men would willingly desert from the Army of the Union for the purpose of avoiding the casualties of war and for the purpose of becoming prisoners of war. When we stop for a moment to consider the great body of men that came out of those prison-pens mere physical wrecks, so that they would excite pity in the heart of any living person who saw them, and then argue that they would seek to escape the dangers of war at the front by encountering the dangers of war of these prison-pens, it seems to me that the argument is too far-fetched to avail before this House.

I have had, as I say, no experience as a prisoner of war, but I served in one campaign where for one hundred and thirteen days it was one long-drawn-out, continuous battle, and I know that among the rank and file of my regiment and brigade, the men with whom I was thrown in daily contact, it was a horror equal to that of the grave that possessed the men when they thought of the possibility of being captured. Time and again I have heard men declare that they would die before they would submit to capture by the enemy, and I protest, sir, that it is wrong to charge upon the great body of the Union soldiers that any considerable portion of them deserted their ranks and went over to the enemy or were voluntarily captured in order to avoid the hardships involved in the discharge of their duty. Was it a bed of roses they were invited to? Nay, verily, it was a bed of death in nearly every case.

To the argument that pensioning these men would be an improper distinction between them and other deserving soldiers, a complete answer is that giving them a pension does not in any manner prevent other deserving men from applying for and receiving pensions under any other law of the United States. The prisoners of war were from hundreds of different company and regimental organizations, many of them separated from every other comrade who knew them. How can they prove up a claim under present laws, requiring the evidence of company officers or company comrades? This bill proposes to enable them to meet with the requirements of a more liberal and just rule of evidence, rendered necessary because of the peculiar hardships of the situation under which their disabilities were incurred.

I do not believe in opening the grave of horrors which twenty-five years ago was closed when the suffering, emaciated prisoners of war were all released by the collapse of the Confederacy. But, sir, it is sometimes necessary to do this in order to remind the members of this House and the people of this nation what those horrors really were and the extreme suffering those prisoners endured. The few cases of capture of stragglers or of desertion from our ranks can not wipe out or obscure the devotion of the great body of these prisoners of war to the flag they had sworn to defend, and for which devotion in hundreds and thousands of cases death the most horrible and miserable attested its full measure.

I ask members to arise for a few moments to the height of that devotion, and in that spirit of patriotic feeling say what the nation ought to do to reward the men who in fact suffered and languished and came forth, broken in life, from those living sepulchers. I have no fears of any ill-effects upon the morale of any future American army by the adoption of this policy. The man who would desert the service at the front to accept such an alternative as Andersonville, Belle Isle, Salisbury, Columbia, and other such places would hardly be found far enough toward the front in any war to run any risk of capture. We put no premium on cowardice by treating justly the men who do actually suffer and dare in the nation's cause.

We would certainly do more injury to the ability to obtain men, in case the need should again arise, by now proving ourselves careless and

indifferent to the just claims of the men who suffered a thousand deaths rather than desert their flag than we possibly could by bestowing the proposed bounty on a few unworthy men while aiding a very large number of most worthy men.

The SPEAKER. The time of the gentleman has expired.

Mr. MORRILL. I now yield five minutes to the gentleman from Ohio [Mr. KENNEDY].

Mr. TARSNEY. How much time is remaining on this side?

The SPEAKER. Four minutes.

[Mr. KENNEDY withholds his remarks for revision. See Appendix.]

Mr. MORRILL. I yield five minutes to the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. The gentleman from Missouri says this bill should not pass because the prisoners of war were not as deserving as men at the front, and that this bill discriminates against men in the ranks and who were not taken prisoners. I ask the gentleman from Missouri could any campaign or any hardship endured by soldiers at the front equal the tortures of the damned that were suffered by the Union prisoners confined in Libby, on Belle Isle, and in that living hell called Andersonville? Mr. Speaker, no tongue can tell, no artist can paint, no words can describe the sufferings of the Union soldiers at Andersonville.

Several years ago I paid a visit with my wife to the beautiful city of Augusta, Ga., and there I saw the Confederate monument, surrounded by statues of heroic size of the Confederate generals, Lee, Johnson, and others. On that monument I read this inscription: "No cause rose so white and fair, none fell so pure of crime;" and that monument stands and that inscription is inscribed within 40 miles of that living hell called Andersonville, over whose portals should have been inscribed "Abandon hope, ye who enter here." Why, I have on my desk here a letter from a man who says he entered that place weighing 160 pounds and when he left it he weighed 79 pounds. He says to satisfy the gnawing and pangs of hunger he often crawled on his hands and knees to the sinks and ate undigested food. Can any money consideration compensate these men? Shall we refuse to the survivors of that horrible place among others the small amount called for by this bill?

Once more, it must be borne in mind that these men were daily offered food and shelter and relief if they would desert the old flag and enlist in the Confederate army. And with that promise before them untold thousands of our brave boys chose to die. Ay, they died "far from home, far from loved ones." They died "with their back to the field and their feet to the foe." They died "with no blot on their name, and looked proudly to heaven from their death-bed of fame." They died unknelt, unshrouded, uncoffined, and unknown, and untold thousands of them are sleeping there the last, long sleep. And shall this great, and rich, and powerful nation, with boundless resources and overflowing Treasury, refuse to the survivors the relief called for by this bill? Most of the survivors of Andersonville, Belle Isle, and Libby have answered to their names at the roll-call on the other shore, and there are comparatively few persons who will be reached by this bill, and comparatively little money will be required to meet it. And I submit, Mr. Speaker, that the dictates of justice and humanity, as well as the promises that were made, unwritten though they be, to the soldiers of the Union in the hour of the nation's deadly peril forbid that we should hesitate for one single moment.

The gentleman from Missouri [Mr. TARSNEY] tells us that he was a prisoner in Andersonville. He says that he knows other places where he should have preferred to board, but, on the whole, he gives rather a rose-colored view of that place, and he has also obtained permission for himself and others to extend his remarks in the RECORD. I pity any Union soldier who will defend that place or vote against this bill. As an offset to his testimony on this subject, I desire to extend my remarks in the RECORD by printing the following statement from a Union soldier who was confined in Andersonville.

John McElroy, late of Company L, Sixteenth Illinois Cavalry (post-office address Toledo, Ohio, if still living), makes the following statement:

Every morning after roll-call thousands of sick gathered at the south gate, where the doctors made some pretense of affording medical relief. The scene there reminded me of the illustrations in my Sunday-school lessons of that time when "great multitudes came unto him," by the shores of the Sea of Galilee, "having with them those that were lame, blind, dumb, maimed, and many others."

Had the crowds worn the flowing robes of the East, the picture would have lacked nothing but the presence of the Son of Man to make it complete. Here were the burning sands and the parching sun; hither came scores of groups of three or four comrades, laboriously staggering under the weight of a blanket in which they had carried a disabled and dying friend from some distant part of the stockade. Beside them hobbled the scabotics, with swollen and distorted limbs, each more loathsome and nearer death than the lepers whom Christ's divine touch made whole. Dozens unable to walk, and having no comrades to carry them, crawled painfully along, with frequent stops, on their hands and knees. Every form of intense physical suffering that it is possible for disease to induce in the human frame was visible at these daily parades of the sick of the prison.

As 3,076 died in August there were probably 12,000 dangerously sick at any given time during the month, and a large part of these collected at the south gate every morning. Measurably calloused as we had become by the daily sights of horror around us, we encountered spectacles in these gatherings which no amount of visible misery could accustom us to. I remember one especially that has burned itself deep into my memory; it was that of a young man not over twenty-five, who a few weeks ago (his clothes looked comparatively new)

had evidently been the picture of manly beauty and youthful vigor. He had a well knit, lithe form; dark curling hair fell over a forehead which had once been fair, and his eyes still showed that they had gleamed with a bold, adventurous spirit. The red clover leaf on his cap showed that he belonged to the First Division of the Second Corps, and three chevrons on his arm showed that he was a sergeant, and the stripe at his cuff that he was a veteran. Some kind-hearted boys had found him in a miserable condition on the north side, and had carried him over in a blanket to where the doctors could see him. He had but little clothing on save his blouse and cap. Ulcers of some kind had formed on his abdomen; these were now masses of squirming worms.

It was so much worse than the usual forms of suffering that quite a little crowd of compassionate spectators gathered round and expressed their pity. The sufferer turned to one who lay beside him with: "If we were only under the old Stars and Stripes we wouldn't care a ——— for a few worms, would we?"

This was not profane. It was an utterance from the depths of a brave man's heart, couched in the strongest language at his command.

It seemed terrible that so gallant a soul should depart from earth in this miserable fashion. Some of us, much moved by the sight, went to the doctors and put the case as strong as possible, begging them to do something to relieve him from his sufferings. They declined to see the case, but got rid of us by giving us a bottle of turpentine, with directions to pour it upon the ulcers to kill the maggots. We did so. It must have been cruel torture, and as absurd remedially as cruel, but our hero set his teeth and endured it without a groan. He was then carried out of the hospital to die.

I said the doctors made a pretense of affording medical relief. It was hardly that, since about all the prescription for those inside the stockade consisted in giving a handful of sumac berries to each of those complaining of scurvy. The berries might have done some good had there been enough of them and had their action been assisted by proper food. As it was they were probably nearly if not wholly useless. Nothing was given to arrest the ravages of dysentery.

A limited number of the worst cases were admitted to the hospital each day. As this only had a capacity for about one-quarter of the sick in the stockade, new patients could only be admitted as others died. It seemed any way like signing a man's death-warrant to send him to the hospital, as three out of every four who went out there died.

The following from the official report of the hospital shows this:

| | |
|-----------------------------|--------|
| Total number admitted | 12,400 |
| Died | 8,663 |
| Exchanged | 823 |
| Oath of allegiance | 25 |
| Sent elsewhere | 2,889 |
| Total | 12,400 |

Average deaths, 76 per cent.

Early in August I made a successful effort to get out to the hospital. I had several reasons for this: First, one of my chums, W. W. Watts, of my own company, had been sent out only a little while before very sick with scurvy and pneumonia. However, I wanted to see if I could do anything for him, if he still lived. I have mentioned before that for a while after our entrance into Andersonville five of us slept on one overcoat and covered ourselves with one blanket. Two of these had already died, leaving us possessors of the blanket and overcoat, W. W. Watts, B. B. Andrews, and myself.

Next, I wanted to go out to see if there was any prospect of escape. I had long since given up hopes of escaping from the stockade. All our attempts at tunneling had resulted in dead failures, and now, to make us wholly despair of success in that direction, another stockade was built clear around the prison, at a distance of 120 feet from the first palisades. It was manifest that though we might succeed in tunneling past one stockade, we could not go beyond the second one. I had the scurvy rather badly, and being naturally slight in frame I presented a very sick appearance to the physicians and was passed out to the hospital.

While this was a wretched affair, it was still a vast improvement on the stockade.

About 5 acres of ground, a little southeast of the stockade and bordering on a creek, were inclosed by a board fence, around which the guard walked. Trees shaded the ground tolerably well.

There were tents and flies to shelter part of the sick, and in these were beds made of pine leaves. There were regular streets and alleys running through the grounds, and as the management was in the hands of our own men the place was kept reasonably clean and orderly for Andersonville.

There was also some improvement in the food. Rice in some degree replaced the nauseous and innutritious corn bread, and, if served in sufficient quantities, would doubtless have promoted the recovery of many men dying of dysenteric diseases. We also received small quantities of okra, a plant peculiar to the South, whose pods contained a mucilaginous matter that made a soup very grateful to those suffering from scurvy.

But all these ameliorations of condition were too slight even to arrest the progress of the disease of thousands of dying men brought out from the stockade. These still wore the same lice-infested garments as in prison; no baths or even ordinary applications of soap and water cleaned their dirt-grimed skins to give their pores an opportunity to assist in restoring them to health. Even their long, lank, and matted hair, swarming with vermin, was not trimmed. The most ordinary and obvious measures for their comfort and care were neglected. If a man recovered it was almost in spite of fate. The medicines given were scanty and crude. The principal remedial agent, as far as my observation extended, was a rank, fetid species of unrectified spirits, which, I was told, was made from sorghum-seed. It had a light green tinge and was about as inviting to the taste as spirits of turpentine. It was given to the sick in small quantities, mixed with water. I had had some experience with Kentucky apple-jack, which it was popularly believed among the boys would dissolve a piece of the fattest pork thrown into it, but that seemed balmy and oily alongside of this. After tasting some I ceased to wonder at the atrocities of Wirz and his associates. Nothing would seem too bad to a man who made that his habitual tipple.

O! hush! hark! Mr. Speaker and gentlemen of the House of Representatives—O God! hush! hark!—shut the windows of heaven while I describe this Andersonville hospital! Search the pages of history; search the records of ancient and modern lore; go to the dungeons of the Bastille or of the Tower of London; follow the exiles of Russia to Siberia; go in memory to the Inquisitions of Spain and Italy, and can you find a crime against God and man like this Andersonville prison and hospital?

Certainly this continent has never seen, and I fervently trust it will never see again, such a gigantic concentration of misery as that hospital displayed daily. The official statistics tell the story of this with terrible brevity. There were 3,709 in the hospital in August; 1,489 (nearly every other man) died. The rate afterward became much higher than this.

The most conspicuous suffering was in the gangrene ward. Horrible sores, spreading almost visibly from hour to hour, devoured men's limbs and bodies.

I remember one ward in which the ulcerations appeared to be altogether in the back, where they ate out the tissue between the skin and the ribs. The attendants appeared to be trying to arrest the process of the sloughing by drenching the sores with a solution of blue vitriol. This was exquisitely painful, and in the morning, when the drenching was going on, the whole hospital rang with the most agonizing screams. But the gangrene mostly attacked the legs and arms. Sometimes it killed men inside of a week; sometimes they lingered on indefinitely. I remember one man in the stockade who cut his hand with the sharp corner of a card of corn-bread he was lifting from the ration-wagon; gangrene set in immediately and he died four days afterward.

One form that was quite prevalent was a cancer of the lower lip. It seemed to start in one corner of the mouth, and it finally ate out the whole side of the face. Of course the sufferer had the greatest trouble in eating and drinking. For the latter it was customary to whistle out a little wooden tube and fasten it in a tin cup, through which he could suck up the water. As this mouth cancer seemed contagious none of us would allow any one afflicted with it to use any of our cooking utensils.

The rebel doctors at the hospital resorted to wholesale amputation to check the progress of the gangrene. They had a two hours' session of limb-logging every morning, each of which resulted in quite a pile of severed members. I presume more bungling operations are rarely seen outside of Russian or Turkish hospitals. Their unskillfulness was apparent even to non-scientific observers like myself. The standard of medical education in the South, as indeed every other form of education, was quite low. The chief surgeon of the prison, Dr. Isaiah White, and perhaps two or three others seemed to be gentlemen of fair abilities and attainments. The remainder were of that class of illiterate and unlearned quacks who physic and blister the poor whites and negroes in the country districts of the South, who believe they can stop bleeding at the nose by repeating a verse from the Bible, who think that in gathering their favorite remedy of boneset if they cut the stem upward it will purge their patients and if downward it will vomit them, and who hold there is nothing so good for fits as a black cat, killed in the dark of the moon, cut open and bound while yet warm upon the naked chest of the victim of the convulsions.

They had a case of instruments captured from some of our field hospitals, which were dull and fearfully out of order. With poor instruments in unskilled hands the operations became mangling. In the hospital I saw an admirable illustration of the affection which a sailor will lavish on a ship's boy to whom he takes a fancy, and makes his "chicken," as the phrase is. The United States sloop Water Witch had recently been captured in Ossabay Sound and her crew brought to the prison. One of her boys, a bright, handsome little fellow, of about fifteen, had lost one of his arms in the fight. He was brought into the hospital, and the old fellow who "chicken" he was was allowed to accompany and nurse him. This old "barnacle back" was as surly a growler as ever went aloft, but to his "chicken" he was as tender and thoughtful as a woman. They found a shady nook in one corner, and any moment one looked in that direction the old tar could be seen hard at work on something for the pleasure and comfort of his pet. Now he was dressing the wound as deftly and gently as a mother handling a new-born babe; now he was trying to concoct some relish out of the slender materials he could beg or steal from the quartermaster; now trying to arrange the shade of the bed of pine leaves in a more comfortable manner; now repairing or washing his clothes, and so on.

All the sailors were particularly favored by being allowed to bring their bags in untouched by the guards. This "chicken" had a wonderful supply of clothes, the handiwork of his protector, who, like most good sailors, was very skillful with a needle. He had suits of fine, white duck, embroidered with blue in a way that would ravish the heart of a fine lady, and blue suits similarly embroidered with white. No belle ever kept her clothes in better order than these were. When the duck came up from the old sailor's patient washing it was as spotless as new-fallen snow.

I found my chum in a very bad condition, his appetite was entirely gone, but he had an inordinate craving for tobacco, for a strong, black plug, which he smoked in a pipe. He had already traded off all his brass buttons to the guards for this. I had accumulated a few buttons to bribe the guard to take me out for wood, and I gave these also for tobacco for him. When I awoke one morning the man who lay next to me on the right was dead, having died some time during the night. I searched his pockets and took what was in them. These were a silk pocket handkerchief, a gutta-serena finger ring, a comb, a pencil, and a leather pocket-book, making in all a nice little find. I hid over to the guard and succeeded in trading the personal estate which I had inherited from the intestate deceased for a handful of peaches, a handful of hardly ripe figs, and a long plug of tobacco. I hastened back to Watts expecting that the figs and peaches would do him a world of good. At first I did not show him the tobacco, as I was strongly opposed to his using it, thinking that it was making him much worse. But he looked at the tempting peaches and figs with luster eyes; he was too far gone to care for them. He pushed them back to me saying, faintly, "No, you take them, Mac; I don't want them; I can't eat them."

I then produced the tobacco, and his face lighted up. Concluding that this was all the comfort he could have and that I might as well gratify him, I cut up some of the weed, filled his pipe, and lighted it. He smoked calmly and almost happily all the afternoon, hardly speaking a word to me. As it grew dark, he asked me to bring him a drink. I did so, and as I raised him up, he said, "Mac, this thing is ended. Tell my father that I stood it as long as I could, and—"

The death rattle sounded in his throat, and when I had laid him back all was over. Straightening out his limbs, folding his hands across his breast, and composing his features as best I could, I laid down beside the body and slept till morning, when I did what little else I could toward preparing for the grave all that was left of my long-suffering little friend.

Mr. Speaker, now, is it any wonder that men undergoing such treatment as this and suffering such torture of body and mind should desire to escape from this place? Now, listen while this Union soldier gives his experience and tells you of the

PUNISHMENT ACCORDED PRISONERS WHO WERE RECAPTURED.

After Watts's death I set earnestly about seeing what could be done in the way of escape. Frank Harney, of the First West Virginia Cavalry, a boy of about my own age and disposition, joined with me in the scheme. I was still possessed with my original plan of making my way down the creeks to the Flint River, down the Flint River to where it emptied into the Apalachicola River, and down that stream to its debouchure into the bay that connected with the Gulf of Mexico.

I was sure of finding my way by this route, because, if nothing else offered, I could get astride of a log and float down the current.

The way to Sherman, in the other direction, was long, tortuous, and difficult, with a fearful gantlet of bloodhounds, patrols, and the scouts of Hood's army to be run. I had but little difficulty in persuading Harney into an acceptance of my views, and we began arranging for a solution of the first great problem, how to get outside of the hospital guards.

As I have explained before, the hospital was surrounded by a board fence, with guards walking their beats on the ground outside. A small creek flowed through the southern end of the grounds, and at its lower end was used as a sink. The boards of the fence came down to the surface of the water, where

the creek passed out, but we found, by careful prodding with a stick, that the hole between the boards and the bottom of the creek was sufficiently large to allow the passage of our bodies, and there had been no stakes driven or other precautions used to prevent egress by this channel.

A guard was posted there, and probably ordered to stand at the edge of the stream, but it smelled so vilely in those scorching days that he had consigned his feelings and probably his health by retiring to the top of the bank, a rod or more distant.

We watched night after night and at last were gratified to find that none went nearer the creek than the top of this bank. Then we waited for the moon to come right so that the first part of the night should be dark. This took several days, but at last we knew that the next night she would not rise until between 9 and 10 o'clock, which would give us nearly two hours of the dense darkness of a moonless summer night in the South. We had first thought of saving up some rations for the trip, but then reflected that these would be ruined by the filthy water into which we must sink to go under the fence. It was not difficult to abandon the food idea, since it was very hard to force ourselves to lay by even the smallest portion of our scanty rations.

As the next day wore on our minds were wrought up into exalted tension by the rapid approach of the supreme moment with all its chances and consequences. The experience of the past few months was not such as to mentally fit us for such a hazard. It prepared us for sullen, uncomplaining endurance, for calmly contemplating the worst that could come, but it did not strengthen that fiber of mind that leads to venturesome activity and daring exploits. Doubtless the weakness of our bodies reacted upon our spirits. We contemplated all the perils that confronted us—perils that, now looming up with impending nearness, took a clearer and more threatening shape than they had ever done before.

We considered the desperate chances of passing the guard unseen; or, if noticed, of escaping the fire without death or severe wounds. But supposing him fortunately evaded, then came the gantlet of the hounds and the patrols hunting deserters.

After this a long, weary journey, with bare feet and almost naked bodies, through an unknown country abounding with enemies, the dangers of assassination by the embittered populace, the risks of dying with hunger and fatigue in the gloomy depths of a swamp, the scanty hope that if we reached the seashore we could get to our vessels.

Not one of all these contingencies failed to expand itself in all its alarming proportions, and unite with its fellows to form a dreadful vista, like the valleys filled with demons and genii, dragons and malign enchantments, which confront the heroes of the Arabian Nights when they set out to perform their exploits. But behind us lay more miseries and horrors than a riotous imagination could conceive; before us could certainly be nothing worse. We would put life and freedom to the hazard of a touch, and win or lose it all. The day had been intolerably hot. The sun's rays seemed to sear the earth like heated irons, and the air that lay on the burning sand was broken by wavy lines, such as one sees indicate the radiation from a hot stove.

Except the wretched chain-gang, plodding tortuously back and forward on the hillside, not a soul nor an animal could be seen in motion outside the stockade. The hounds were panting in their kennel; the rebel officers, half or wholly drunken with villainous sorghum whisky, were stretched at full length in the shade at headquarters; the half-naked gunners crouched under the shadow of the embankments of the forts; the guards hung limply over the stockade in front of their little perches; the 30,000 boys inside the stockade, prone or supine upon the glowing sand, gasped for breath—for one draught of sweet, cool, wholesome air that did not bear on its wing the subtle seeds of rank corruption and death. Everywhere was the prostration of discomfort, the inertia of sluggishness.

Only the sick moved; only the pain-racked cried out; only the dying struggled; only the agonies of dissolution could make life assert itself against the exhaustion of the heat.

Harney and I, lying in the scanty shade of a tall pine and with hearts filled with solicitude as to the outcome of what the evening would bring us, looked out over the scene, as we had done daily for long months, and remained silent for hours, until the sun, as if weary with torturing and slaying, began going down in the blazing west. The groans of the thousands of sick around us, the shrieks of the rotting ones in the gangrene wards rang incessantly in our ears.

As the sun disappeared and the heat abated the suspended activity was restored. The master of the hounds came out with his yelping pack and started on his rounds; the rebel officers aroused themselves from their siesta and went lazily about their duties; the fife produced his cracked life and piped forth his unvarying "Bonnie Blue Flag" as a signal for dress parade, and drums, beat by unskilled hands in the camps of the different regiments, repeated the signal. In the stockade the mass of humanity became full of motion as an ant-hill, and resembled it very much from our point of view, with the boys threading their way among the burrows, tents, and holes.

It was becoming dark quite rapidly. The moments seemed galloping onward toward the time when we must make the decisive step. We drew from the dirty rag in which it was wrapped the little piece of corn bread that we had saved for our supper, carefully divided it into two equal parts, and each took one and ate it in silence. This done we held a final consultation as to our plans, and went over each detail carefully, that we might fully understand each other under all possible circumstances, and act in concert. One point we laboriously impressed upon each other, and that was, that under no circumstances were we to allow ourselves to be tempted to leave the creek until we reached its junction with the Flint River. I then picked up two pine leaves, broke them off to unequal lengths, rolled them in my hands behind my back for a second, and presenting them to Harney with their ends sticking out of my closed hands said: "The one that gets the longest one goes first." Harney reached forth and drew the longer one.

We made a tour of reconnaissance. Everything seemed as usual, and wonderfully calm compared with the tumult in our minds. The hospital guards were pacing their beats lazily; those on the stockade were drawing listlessly the first "call around" of the evening: "Post numbah foah, half past seven o'clock, and a-l-l's w-e-l-l."

Inside the stockade was a babel of sounds, above all of which rose the melody of religious and patriotic songs, sung in various parts of the camp. From the headquarters came the shouts and laughter of the rebel officers having a little frolic in the cool of the evening. The groans of the sick around us were gradually hushing, as the abatement of the terrible heat let all but the worst cases sink into a brief slumber, from which they awoke before midnight to renew their outcries; but those in the gangrene ward seemed to be denied even this scanty blessing. Apparently they never slept, for their shrieks never ceased.

A multitude of whip-poor-wills in the woods around us began their usual dismal cry, which had never seemed so unearthly and full of dismal presages as now. It was now quite dark, and we stole noiselessly down to the creek and reconnoitered. We listened. The guard was not pacing his beat, as we could not hear his footsteps.

A large, ill-shapen lump against the trunk of one of the trees on the bank showed that he was leaning there resting himself. We watched him for several minutes, but he did not move, and the thought shot into our minds that he might be asleep. But it seemed impossible; it was too early in the evening.

Now, if ever, was the opportunity. Harney squeezed my hand, stepped noiselessly into the creek, laid himself gently down into the filthy water, and, while my heart was beating so that I was certain it could be heard some distance

from me, began making towards the fence. He passed under easily, and I raised my eyes toward the guard, while on my strained ear fell the soft splashing made by Harney as he pulled himself cautiously forward. It seemed as if the sentinel must hear this; he could not help it, and every second I expected to see the black lump address itself to motion and the musket flash out fiendishly; but he did not; the lump remained motionless, the musket silent.

When I thought that Harney had gained a sufficient distance I followed. It seemed as if the disgusting water would smother me as I laid myself down into it, and such was my agitation that it appeared almost impossible that I should escape making such a noise as would attract the guard's notice. Catching hold of the roots and limbs at the side of the stream I pulled myself slowly along, and as noiselessly as possible. I passed under the fence without difficulty, and was outside and within fifteen feet of the guard. I had lain down into the creek upon my right side, that my face might be toward the guard, and I could watch him closely all the time.

As I came under the fence he was still leaning motionless against the tree, but to my heated imagination he appeared to have turned and be watching me. I hardly breathed; the filthy water rippling past me seemed to roar to attract the guard's attention. I reached my hand out cautiously to grasp a root to pull myself along by, and caught instead a dry branch which broke with a loud crack. My heart absolutely stood still. The guard evidently heard the noise. The black lump separated itself from the tree, and a straight line which I knew to be his musket, separated itself from the lump. In a brief instant I lived a year of mortal apprehension. So certain was I that he had discovered me, and was leveling his piece to fire, that I could scarcely restrain myself from springing up and dashing away to avoid the shot. Then I heard him take a step, and to my unutterable surprise and relief he walked off farther from the creek, evidently to speak to the man whose beat joined his. I pulled away more swiftly, but still with the greatest caution, until after half an hour's painful effort I had gotten fully one hundred and fifty yards away from the hospital fence, and found Harney crouched on a cypress knee, close to the water's edge, watching for me.

We waited there a few minutes until I could rest and calm my perturbed nerves down to something nearer their normal equilibrium, and then started on. We hoped if we were as lucky in our next step as in the first one we would reach the Flint River by daylight, and have a good long start before the morning roll-call revealed our absence. We could hear the hounds still baying in the distance, but this sound was too customary to give us any uneasiness; but our progress was terribly slow. Every step hurt fearfully. The creek bed was full of roots and snags and briars, and vines trailed across it. These caught and tore our bare feet and legs, rendered abnormally tender by the scurvy. It seemed as if every step was marked with blood. The vines tripped us and we frequently fell headlong. We struggled on determinedly for nearly an hour, and were perhaps a mile from the hospital.

The moon came up and its light showed that the creek continued its course through a dense jungle, like that we had been traversing, while on the high ground to our left were the open pine woods I have previously described. We stopped and debated for a few minutes. We recalled our promise to keep in the creek, and the experience of other boys who had tried to escape and been caught by the hounds. If we staid in the creek we were sure the hounds would not find our trail, but it was equally certain that at this rate we would be exhausted and starved before we got out of sight of the prison. It seemed that we had gone far enough to be out of the reach of the packs patrolling immediately around the stockade, and there could be but little risk in trying a short walk on the dry ground. We concluded to take the chances, and, ascending the bank, we walked and ran as fast as we could for about 2 miles farther.

All at once it struck me that with all our progress the hounds sounded as near as when we started. I shivered at the thought, and, though nearly ready to drop with fatigue, urged myself and Harney on.

An instant later their baying rang out on the still night air right behind us, and with fearful distinctness. There was no mistake now; they had found our trail and were running us down. The change from fearful apprehension to the crushing reality stopped us stock still in our tracks. At the next breath the hounds came bursting through the woods in plain sight and in full cry. We obeyed our first impulse—rushed back into the swamp, forced our way for a few yards through the flesh-tearing impediments until we gained a large cypress, upon whose great knees we climbed, thoroughly exhausted, just as the yelping pack reached the edge of the water and stopped there and bayed at us. It was a physical impossibility for us to go another step.

In a moment the low-browed villain who had charge of the hounds came galloping up on his mule, tooting signals to his dogs as he came on the cow-horn slung from his shoulders. He immediately discovered us, covered us with his revolver, and yelled out: "Come ashore there, quick, you ——" There was no help for it. We climbed down off the knees and started towards the land. As we neared it the hounds became almost frantic, and it seemed as if we would be torn to pieces the moment they could reach us. But the master dismounted and drove them back. He was surly, even savage to us, but seemed in too much hurry to get back to waste any time annoying us with the dogs. He ordered us to get around in front of the mule and start back to camp. We moved as rapidly as our fatigue and our lacerated feet would allow us, and before midnight were again in the hospital, fatigued, filthy, torn, bruised, and wretched beyond description or conception. The next morning we were turned back into the stockade as punishment.

Harney and I were specially fortunate in being turned back into the stockade without being brought before Captain Wirz. We subsequently learned that we owed this good luck to Wirz's absence on sick leave, his place being supplied by Lieutenant Davis, a moderate-brained Baltimorean and one of that horde of Marylanders in the rebel army whose principal service to the Confederacy consisted in working themselves into "bomb-proof" places and forcing those whom they displaced into the field.

Winder was the illustrious head of this crowd of bomb-proof rebels from "Maryland, my Maryland," whose enthusiasm for the Southern cause and consistency in serving it only in such places as were out of the range of the Yankee artillery was the subject of many bitter jibes by the rebels, especially by those whose secure berths they possessed themselves of.

Lieutenant Davis went into the war with great brashness. He was one of the mob which attacked the Sixth Massachusetts in its passage through Baltimore, but, like all of that class of roughs, he got his stomach full of war as soon as the real business of fighting began, and he retired to where the chances of attaining a ripe old age were better than in front of the Army of the Potomac's muskets. We shall hear of Davis again.

Encountering Captain Wirz was one of the terrors of an abortive attempt to escape. When recaptured prisoners were brought before him he would frequently give way to paroxysms of screaming rage, so violent as to closely verge on insanity. Brandishing the fearful and wonderful revolver of which I have spoken in such a manner as to threaten the luckless captives with instant death, he would shriek out imprecations, curses, and foul epithets in French, German, and English, until he fairly frothed at the mouth.

Mr. Speaker, it would seem as though the suffering of these men would have moved the stoutest heart with pity and compassion, but if pity and compassion ever dwelt in the bosom of Winder or Captain Wirz they had long since died. The griefs and sorrows and sufferings

of these Union soldiers were unheard by mortal ear who could grant relief and were heard only by the pitying ear of heaven. Oh, what a record will face these men who are responsible for this crime in that great day when the book shall be opened and men shall give an account of the deeds that are done in the body. Hear this witness further. He says:

There were plenty of stories current in camp of his having several times given away to his rage so far as to actually shoot men down in these interviews, and still more of his knocking boys down and jumping upon them, until he inflicted injuries that soon resulted in death. How true these rumors were I am unable to say of my own personal knowledge, since I never saw him kill any one, nor have I talked with any who did. There were a number of cases of this kind testified to upon his trial, but they all happened among "parols" outside the stockade or among the prisoners inside after we left; so I knew nothing of them.

One of the old Switzer's favorite ways of ending these séances was to inform the boys that he would have them shot in an hour, or so and bid them prepare for death.

After keeping them in fearful suspense for hours he would order them to be punished with the stocks, the ball and chain, the chain-gang, or, if his fierce mood had burned itself entirely out, as was quite likely with a man of his shallow brain and vacillating temper, to be simply returned to the stockade.

Nothing, I am sure, since the days of the Inquisition, or still later, since the terrible punishments visited upon the insurgents of 1848 by the Austrian aristocrats, has been so diabolical as the stocks and chain-gangs, as used by Wirz. At one time seven men, sitting in the stocks near the star fort, in plain view of the camp, became objects of interest to everybody inside. They were never relieved from their painful position, but were kept there until all of them died. I think it was nearly two weeks before the last one succumbed. What they endured in that time even imagination can not conceive. I do not think that an Indian tribe ever devised keener torture for its captives.

The chain-gang consisted of a number of men varying from twelve to twenty five, all chained to one 64-pound ball. They were also stationed near the star fort, standing out in the hot sun, without a particle of shade over them. When one moved they all had to move. They were scourged with the dysentery, and the necessities of some one of their number kept them constantly in motion. I can see them distinctly yet, tramping laboriously and painfully back and forth over that burning hillside, every moment of the long, weary summer days.

Along in the last of August the rebels learned that there were between two and three hundred captains and lieutenants in the stockade, passing themselves off as enlisted men. The motive of these officers was twofold: First, a chivalrous wish to share the fortunes and fate of their boys and, second, disinclination to gratify the rebels by the knowledge of the rank of their captives. The secret was so well kept that none of us suspected it until the fact was announced by the rebels themselves. They were taken out immediately and sent to Macon, where the commissioned officers' prison was. It would not do to trust such possible leaders with us another day.

Mr. Speaker, Charles Sumner delivered a speech in yonder Supreme Court room when it was the Senate of the United States (and where he was afterward stricken down by the blows of a would-be assassin) on the barbarism of slavery. Sumner knew comparatively little of it; at least the half was never told by him. Our brave boys in blue who attempted to escape were hunted down by bloodhounds. Hear this witness as he describes it:

THE HOUNDS AND THE DIFFICULTIES THEY PUT IN THE WAY OF ESCAPE OF PRISONERS.

Those who succeeded in one way or another in passing the stockade limits found still more difficulties lying between them and freedom than would discourage ordinarily resolute men. The first was to get away from the immediate vicinity of the prison. All around were rebel patrol, pickets, and guards, watching every avenue of egress. Several packs of hounds formed efficient coadjutors of these and were more dreaded by possible "escapes" than any other means at the command of our jailors. Guards and patrols could be evaded or circumvented, but the hounds could not.

Nearly every man brought back from a futile attempt to escape told the same story. He had been able to escape the human rebels' power, but not their canine colleagues. Three of our detachment, members of the Twentieth Indiana, had an experience of this kind that will serve to illustrate hundreds of others. They had been taken outside to do some work upon the cook-house that was being built. A guard was sent with the three a little distance into the woods to get a piece of timber. The boys sauntered along carelessly with the guard and managed to get pretty near him. As soon as they were fairly out of sight of the rest, the strongest of them Tom Williams, snatched the rebel's gun away from him and the other two springing upon him as swift as wild cats throttled him so that he could not give the alarm. Still keeping a hand on his throat, they led him off to some distance and tied him to a sapling with strings made by tearing up one of their blouses. He was also securely gagged, and the boys bidding him a hasty, but not specially tender, farewell, struck out, as they fondly hoped, for freedom.

It was not long until they were missed, and the parties sent in search found and released the guard, who gave all the information he possessed as to what had become of his charges. All the packs of hounds, the squads of cavalry, and the foot patrols were sent out to scour the adjacent country. The Yankees kept in the swamps and creeks, and no trace of them was found that afternoon or evening. By this time they were 10 or 15 miles away and thought that they could safely leave the creeks for better walking on solid ground. They had gone but a few miles when the pack of hounds Captain Wirz was with took their trail and came after them in full cry. The boys tried to run, but, exhausted as they were, they could make no headway. Two of them were soon caught, but Tom Williams, who was so desperate that he preferred death to recapture, jumped into a mill-pond near by. When he came up he was in a lot of saw-logs and drift-wood that hid him from being seen from the shore. The dogs stopped at the shore and bayed after their disappearing prey. The rebels with them, who had seen Tom spring in, came up and made a pretty thorough search for him. As they did not think to probe around the drift-wood this was unsuccessful, and they came to the conclusion that Tom had been drowned. Wirz marched the other two back, and for a wonder did not punish them, probably because he was so rejoiced at his success in capturing them. He was beaming with delight when he returned them to our squad, and said with a chuckle, "Prisoners, I bring you pack two of dem tam Yankees wat got away yesterday, unt I run the oder rascal into the millpond, unt trownted him."

What was our astonishment about three weeks later to see Tom, fat and healthy and dressed in a full suit of butternut, come stalking into the pen. He had nearly reached the mountains, when a pack of hounds, patrolling for deserters or negroes, took his trail, where he had crossed the road from one field to another, and speedily ran him down. He had been put in a little country jail

and well fed till an opportunity occurred to send him back. This patrolling for negroes and deserters was another of the great obstacles to a successful passage through the country.

The rebels had put every able-bodied white man in the ranks and were bending every energy to keep them there. The whole country was carefully policed by provost-marshals to bring out those who were shirking military duty or had deserted their colors, and to check any movement by the negroes.

One could not go anywhere without a pass, as every road was continually watched by men and hounds. It was the policy of our men when escaping to avoid roads as much as possible by traveling through the woods and fields. From what I saw of the hounds and what I could learn from others I believe that each pack was made up of two bloodhounds and from twenty-five to fifty other dogs. The bloodhounds were debased descendants of the strong and fierce hounds imported from Cuba, many of them by the United States Government, for hunting Indians during the Seminole war. The other dogs were mongrels that are found in such plentifulness about every Southern house, increasing, as a rule, in numbers as the inhabitants of the house are lower down and poorer. They are like wolves, sneaking and cowardly when alone, fierce and bold when in packs. Each pack was managed by a well armed man, who rode a mule and carried, slung over his shoulders by a cord, a cow-horn, scraped very thin, with which he controlled the band by signals.

What always puzzled me much was why the hounds took only Yankee trails in the vicinity of the prison. There was about the stockade from six thousand to ten thousand rebels and negroes, including guards, officers, servants, workmen, etc.

These were, of course, continually in motion, and must have daily made trails leading in every direction. It was the custom of the rebels to send a pack of hounds around the prison every morning to examine if any Yankees had escaped during the night. It was believed that they rarely failed to find a prisoner's tracks and still more rarely ran off upon a rebel's. If those outside the stockade had been confined to certain paths and roads we could have understood this, but, as I understand, they were not.

It was a part of the interest of the day for us to watch the packs go yelping round searching for tracks. We got information in this way whether any tunnels had been successfully opened during the night.

The use of the hounds furnished us a crushing reply to the ever-recurring rebel question: "Why are you unsputtin' niggers in the field to fight we uns for?" The question was always silenced by the return interrogatory: "Is that as bad as running down white men with bloodhounds?"

The old town of Plymouth, Mass., is in my district. That town sent some of its bravest sons and its best blood to the army to defend the Government from traitors. Alas, some of these brave boys found their way to Andersonville. Continuing, he says:

Speaking of the manner in which the Plymouth Pilgrims were now dying, I am reminded of my theory that the ordinary man's endurance of this prison life did not average over three months.

The Plymouth boys arrived in May; the bulk of those who died passed away in July and August.

The following statistics of the prison in the summer of '64 and the appalling figures of mortality confirm all that I have charged and are an all-sufficient answer to the gentleman from Mississippi when he says the hardship of these prisoners did no equal service at the front.

The great increase of prisoners from all sources was in May, June, and July. The greatest mortality among these was in August, September, and October. The following table, which shows the number of new prisoners arriving each month and the number dying the third month after, will illustrate on what I base my theory:

| | |
|--------------------|-------|
| Number arrived in— | |
| May | 8,785 |
| June | 9,114 |
| July | 7,228 |
| Number died in— | |
| August | 3,076 |
| September | 2,794 |
| October | 1,590 |

Many came in who had been in good health during their service in the field, but who seemed utterly overwhelmed by the appalling misery they saw on every hand and, giving way to despondency, died in a few days or weeks. I do not mean to include them in the above class, as their sickness was more mental than physical. My idea is that, taking one hundred ordinarily healthy young fellows from a regiment in active service and putting them into Andersonville, by the end of the third month at least thirty-three of those weakest and most vulnerable to disease would have succumbed to the exposure, the pollution of ground and air, and the insufficiency of the ration of coarse corn-meal. After this the mortality would be somewhat less, say at the end of six months fifty of them would be dead. The remainder would hang on still more tenaciously and at the end of a year there would be fifteen or twenty still alive. There were sixty-three of my company taken; thirteen lived through. I believe this was about the usual proportion for those in as long as we.

In all there were 45,613 prisoners brought into Andersonville. Of these 12,912 died there, to say nothing of thousands that died in other prisons in Georgia and the Carolinas immediately after their removal from Andersonville. One of every three and one-half men upon whom the gates of the stockade closed never repassed them alive. Twenty-nine per cent. of the boys who so much as set foot in Andersonville died there. Let it be kept in mind all the time that the average stay of a prisoner there was not four months. The greater majority came in after the 1st of May, and left before the middle of September.

May 1, 1864, there were 10,427 in the stockade; August 8 there were 33,114; September 30 all these were dead or gone, except 8,218, of whom 4,590 died inside of the next thirty days.

The records of the world can show no parallel to this astounding mortality.

Mr. Speaker, at the risk of wearying the House hear what this Union soldier has to say about the responsibility of this crime against God and man:

THE RESPONSIBILITY.

I have endeavored to tell the foregoing story as calmly, as dispassionately, as free from vituperation and prejudice as possible. How well I have succeeded the reader must judge. How difficult this moderation has been at times only those know who like myself have seen, from day to day, the treason-sharpened fangs of starvation and disease gnaw nearer and nearer to the hearts of well beloved friends and comrades.

Of the 63 of my company comrades who entered prison with me, but 11, or at most 13, emerged alive, and several of these have since died from the effects of what they suffered. The mortality in the other companies of our battalion was equally great, as it was also with the prisoners generally. Not less than 25,000 gallant, noble-hearted boys died around me between the dates of my capture and release. Nobler men than they never died for any cause. For the most

part they were simple-minded, honest-hearted boys, the sterling products of our Northern home life, and Northern common schools, and that grand, stalwart Northern blood, the yeoman blood of sturdy, middle-class freemen, the blood of the race which has conquered on every field since the Roman Empire went down under its sinewy blows. They prated little of honor and knew nothing of "chivalry" except in its repulsive travesty in the South.

As citizens at home, no honest labor had been regarded by them as too humble to be followed with manly pride in its success; as soldiers in the field they did their duty with a calm defiance of danger and death that the world has not seen equaled in the six thousand years that men have followed the trade of war. In the prison their conduct was marked by the same unostentatious but unflinching heroism. Death stared them in the face constantly. They could read their own fate in that of the loathsome, unburied dead all around them. Insolent enemies mocked their sufferings and sneered at their devotion to a Government which they asserted had abandoned them, but the simple faith, the ingrained honesty of these plain-mannered, plain-spoken boys, rose superior to every trial.

Brutus, the noblest Roman of them all, says in his grand flight:

"Set honor in one eye and death in the other,
And I will look on both indifferently."

They did not say this, but they did it. They never questioned their duty; no repining, no murmurings against their Government escaped their lips; they took the dread fortunes brought to them as calmly, as unshrinkingly as they had those in the field; they quailed not, nor wavered in their faith before the worst the rebels could do. The finest epitaph ever inscribed above a soldier's grave was that graven on the stone which marked the resting-place of the deathless three hundred who fell at Thermopylae:

"Go, stranger, to Lacedaemon, and tell Sparta that we lie here in obedience to her laws."

They who lie in the shallow graves of Andersonville, Belle Isle, Florence, and Salisbury lie there in obedience to the precepts and maxims inculcated into their minds in the churches and common schools of the North, precepts which impressed upon them the duty of manliness and honor in all the relations and exigencies of life, not the "chivalric" prate of their enemies, but the calm steadfastness which endures to the end. The highest tribute that can be paid them is to say they did full credit to their teachings, and they died, as every American should, when duty bids him. No richer heritage was ever bequeathed to posterity.

It was in the year 1864 and the first three months of 1865 that these 25,000 youths were cruelly and needlessly done to death. In these fatal fifteen months more young men than to-day form the pride, the hope, and the vigor of any one of our leading cities, more than at the beginning of the war were found in either of several States in the nation, were sent to their graves "unknelted, unclothed, and unknown," victims of the most barbarous and unnecessary cruelty recorded since the Dark Ages. Barbarous, because the wit of man has not yet devised a more savage method of destroying fellow-beings than by exposure and starvation. Unnecessary, because the destruction of these had not and could not have the slightest effect upon the result of the struggle.

The rebel leaders have acknowledged that they knew the fate of the Confederacy was sealed when the campaign of 1864 opened with the North displaying an unflinching determination to prosecute the war to a successful conclusion. All that they could hope for after that was some fortuitous accident or unexpected foreign recognition that would give them peace with victory. The prisoners were unimportant factors in the military problem. Had they all been turned loose as soon as captured, their efforts would not have hastened the Confederacy's fate a single day.

As to the responsibility for this monstrous cataclysm of human misery and death, that the great mass of the Southern people approved of these outrages or even knew of them I do not for an instant believe. They are as little capable of countenancing such a thing as any people in the world, but the crowning bluish of Southern society has ever been the dumb acquiescence of the many respectable, well disposed, right-thinking people in the acts of the turbulent and unscrupulous few. From this direful spring has flowed an illiad of unnumbered woes, not only to that section, but to our common country. It was this that kept the South vibrating between patriotism and treason during the Revolution, so that it cost more lives and treasure to maintain the struggle there than in all the rest of the country.

It was this that threatened the dismemberment of the Union in 1832. It was this that aggravated and envenomed every wrong growing out of slavery, that outraged liberty, debauched citizenship, plundered the mails, gagged the press, stifled speech, made opinion a crime, polluted the free soil of God with the unwilling steps of the bondman, and at last crowned three-quarters of a century of this unparalleled iniquity by dragging 11,000,000 of people into a war from which their souls revolted and against which they had declared by overwhelming majorities in every State except South Carolina, where the people had no voice. It may puzzle some to understand how a relatively small band of political desperadoes in each State could accomplish such a momentous wrong. That they did so it no one conversant with our history will deny, and that they, insignificant as they were in numbers, in abilities, in character, in everything save capacity and indomitable energy in mischief, could achieve such gigantic wrongs in direct opposition to the better sense of their communities is a fearful demonstration of the defects of the constitution of Southern society.

Mr. Speaker, poor old Wirz was hanged for his crime, but I claim that he was by no means the only man responsible, and a wrong was done the living and the dead that other men did not answer for this crime at the bar of human justice, as most of them have since answered to the bar of God, and I claim there is no escape from the following conclusion:

Men capable of doing all that the secession leaders were guilty of, both before and during the war, were quite capable of revengefully destroying 25,000 of their enemies by the most hideous means at their command. That they did so set about destroying their enemies, willfully, maliciously, and with malice prepense and aforethought, is susceptible of proof as conclusive as that which in a criminal court sends murderers to the gallows.

Let us examine some of these proofs:

First. The terrible mortality at Andersonville and elsewhere was a matter of as much notoriety throughout the Southern Confederacy as the military operations of Lee and Johnson. No intelligent man, much less the rebel leaders, was ignorant of it nor of its calamitous proportions.

Second. Had the rebel leaders within a reasonable time after this matter became notorious made some show of inquiring into and alleviating the deadly misery there might be some excuse for them on the ground of lack of information, and the plea that they did as well as they could would have some validity. But this state of affairs was allowed to continue over a year, in fact until the downfall of the Confederacy, without a hand being raised to mitigate the horrors of those places, without even an inquiry being made as to whether they were mitigable or not. Still worse, every month saw the horrors thicken and the condition of the prisoners become more wretched.

The suffering in May, 1864, was more terrible than in April; June showed a frightful increase over May, while words fail to paint the horrors of July and August, and so the wretchedness waxed until the end, in April, 1865.

Third. The main causes of suffering and death were so obviously preventible

that the rebel leaders could not have been ignorant of the ease with which a remedy could be applied. The main causes were three in number:

- a. Improper and insufficient food.
- b. Unheard of crowding together.
- c. Utter lack of shelter.

It is difficult to see which of these three was the most deadly. Let us admit, for the sake of argument, that it was impossible for the rebels to supply sufficient and proper food. This admission, I know, will not stand for an instant in the face of the revelations made by Sherman's march to the sea and through the Carolinas, but let that pass, that we may consider more easily demonstrable facts connected with the next two propositions, the first of which is as to the crowding together.

Was land so scarce in the Southern Confederacy that no more than 16 acres could be spared for the use of 35,000 prisoners? The State of Georgia has a population of less than one-sixth that of New York, scattered over a territory one-quarter greater than that State's, and yet a pitiful little tract—less than the corn-patch clearing of the laziest "cracker" in the State—was all that could be allotted to the use of three and a half times ten thousand young men. The average population of the State does not exceed sixteen to the square mile. With millions of acres of unsettled, useless, worthless pine barrens all around them, the prisoners were wedged together so closely that there was scarcely room to lie down at night, and few had space enough to have served as a grave. This, too, in a country where the land was of so little worth that much of it had never been entered from the Government.

Then as to shelter and fire. Each of the prisons was situated in the heart of a primeval forest, from which the first trees that had ever been cut were those used in building the pens. Within a gunshot of the perishing men was an abundance of lumber and wood to have built every man in prison a warm, comfortable hut, and enough fuel to supply all his wants. Supposing even that the rebels did not have the labor at hand to convert these forests into building material and fuel, the prisoners themselves would have gladly undertaken the work as a means of promoting their own comfort and for occupation and exercise. No tools would have been too poor and clumsy for them to work with. When logs were occasionally found or brought into prison men tore them to pieces almost with their naked fingers. Every prisoner will bear me out in the assertion that there was probably not a roof as large as a bit of clothes-line in all the ground covered by the prisons that eluded the faithfully eager search of freezing men for fuel. What else than deliberate design can account for this systematic withholding from the prisoners of that which was so essential to their existence and which it was so easy to give them?

This much for the circumstantial evidence connecting the rebel authorities with the premeditated plan for destroying the prisoners. Let us examine the direct evidence.

The first feature is the assignment to the command of the prisons of General John H. Winder, the confidential friend of Mr. Jefferson Davis and a man so unscrupulous, cruel, and blood-thirsty that at the time of his appointment he was the most hated and feared man in the Southern Confederacy. His odious administration of the odious office of provost-marshal-general showed him to be the fittest of tools for their purpose. Their selection, considering the end in view, was eminently wise.

Baron Haynau was made eternally infamous by a fraction of the wanton cruelties which load the memory of Winder; but it can be said in extenuation of Haynau's offenses that he was a brave, skillful, and energetic soldier, who overthrew on the field the enemies he maltreated. If Winder at any time during the war was nearer the front than Richmond, history does not mention it. Haynau was the bastard son of a German elector and of the daughter of a village druggist. Winder was the son of a sham aristocrat whose cowardice and incompetence in the war of 1812 gave Washington into the hands of the British ravagers.

It is sufficient indication of this man's character that he could look unmoved upon the terrible suffering that prevailed in Andersonville in June, July, and August; that he could see three thousand men die each month in the most horrible manner without lifting a finger in any way to assist them; that he could call attention in a self-boastful way to the fact that "I am killing off more Yankees than twenty regiments in Lee's army," and that he could respond to the suggestions of the horror-struck visiting inspector that the prisoners be given at least more room with the assertion that he intended to leave matters just as they were; the operations of death would soon thin out the crowd so that the survivors would have sufficient room.

It was Winder who issued this order to the commander of the artillery.

"[Order No. 13.]

"HEADQUARTERS MILITARY PRISON,
"Andersonville, Ga., July 27, 1864.

"The officer on duty and in charge of the battery of Florida artillery at the time will, upon receiving notice that the enemy has approached within 7 miles of this post, open upon the stockade with grape-shot, without reference to the situation beyond these lines of defense.

"JOHN H. WINDER,
"Brigadier-General, Commanding."

Diabolical is the only word that will come at all near fitly characterizing such an infamous order. What must have been the nature of a man who would calmly order twenty-five guns to be opened with grape and canister at 200 yards range upon a mass of thirty thousand prisoners, mostly sick and dying? All this rather than suffer them to be rescued by their friends. Can there be any terms of reprobation sufficiently strong to properly denounce so malignant a monster? History has no parallel to him save among the blood-reveling kings of Dahomey or those sanguinary Asiatic chieftains who built pyramids of human skulls and paved roads with men's bones.

How a man bred an American came to display such a Timour-like thirst for human life, such an oriental contempt for the sufferings of others, is one of the mysteries that perplex me the more I study them.

If the rebel leaders who appointed this man, to whom he reported direct, without intervention of superior officers, and who were fully informed of all his acts through other sources than himself, were not responsible for him, who in Heaven's name was? How can there be a possibility that they were not cognizant and approving of his acts?

The rebels have attempted but one defense to the terrible charges against them, and that is that our Government persistently refused to exchange, preferring to let its men rot in prison to yielding up the rebels it held. This is so utterly false as to be absurd. Our Government made overture after overture for exchange to the rebels, and offered to yield many of the points of difference, but it could not, with the least consideration for its own honor, yield up the negro soldiers and their officers to the unrestrained brutality of the rebel authorities, nor could it, consistent with military prudence, parol the 100,000 well fed, well clothed, able-bodied rebels held by it as prisoners and let them appear inside of a week in front of Grant or Sherman.

Until it would agree to do this the rebels would not agree to exchange, and the only motive, save revenge, which could have inspired the rebel maltreatment of the prisoners was the expectation of raising such a clamor in the North as would force the Government to consent to a disadvantageous exchange, and to give back to the Confederacy, at its most critical period, 100,000 fresh, able-bodied soldiers. It was for this purpose probably that our Government and the Sanitary Commission were refused all permission to send us food and cloth-

ing. For my part, and I know I echo the feelings of ninety-nine out of every hundred of my comrades, I would rather have staid in prison till I rotted than that our Government should have yielded to the degraded demands of insolent rebels. There is one document in the possession of the Government which seems to me to be unanswerable proof, both of the settled policy of the Richmond government towards the Union prisoners and of the relative merits of Northern and Southern treatment of captives. The document is a letter, reading as follows:

"CITY POINT, VA., March 17, 1863.

"SIR: A flag-of-truce boat has arrived with three hundred and fifty political prisoners, General Barrow and several other prominent men among them. I wish you to send me on 4 o'clock Wednesday morning all the military prisoners (except officers) and all the political prisoners you have. If any of the political prisoners have on hand proof enough to convict them of being spies or of having committed other offenses which should subject them to punishment, so state opposite their names. Also state whether you think under the circumstances they should be released. The arrangement I have made works largely in our favor. We get rid of a set of miserable wretches and receive some of the best material I ever saw.

"Tell Captain Turner to put down on the list of political prisoners the names of Edward P. Egging and Eugenia Hammernister. The president is anxious that they should get off. They are here now. This, of course, is between ourselves. If you have any political prisoners whom you can send off safely to keep her company, I would like you to send her. Two hundred and odd more political prisoners are on their way. I would be more full in my communication if I had time.

"Yours, truly,

"ROBERT OULD,
Commissioner of Exchange.

"Brig. Gen. JOHN H. WINDER."

But, supposing that our Government, for good military reasons or for no reason at all, declined to exchange prisoners, what possible excuse is that for slaughtering them by exquisite tortures? Every government has an unquestioned right to decline exchanging when its military policy suggests such a course, and such declination conveys no right whatever to the enemy to slay those prisoners, either outright with the edge of the sword or more slowly by inhuman treatment. The rebels' attempt to justify their conduct by the claim that our Government refused to accede to their wishes in a certain respect is too preposterous to be made or listened to by intelligent men. The whole affair is simply inexcusable and stands out a foul blot on the memory of every rebel in high place in the Confederate government.

Now, Mr. Speaker, I think I have established the fact that the gentleman from Missouri [Mr. TARNSEY] was quite correct in his statement that these Southern prison-pens, and Andersonville in particular, were not desirable boarding-places. I do not charge all the Southern people with the crime here recited. Undoubtedly many of them knew little or nothing of it; undoubtedly most of them, moved by dictates of humanity, would have denounced it, as they do now, had they known it. But, Mr. Speaker, the fact remains that Andersonville was one of the blackest crimes that stain the pages of history, for which some one besides that poor old wretch Wirz was responsible. There is truth and force in the words of that trembling, miserable wretch who said under the shadow of the gallows on which he was hanged that he was only a subaltern who obeyed and was to die for obeying the orders of his superiors. I have no wish to revive old memories or open the wounds of the war, but I was myself a Union soldier and taken a prisoner, though never in Andersonville. For this reason, in justice to my comrades, I can not listen to the statements of the gentleman from Missouri and remain silent.

Most of the actors in this terrible drama of Andersonville have gone to a higher court to answer before the judge of all the earth, and I leave them there.

In the words of the immortal Lincoln, "With charity for all and malice toward none," we forgive the awful crime, but forget Andersonville, Belle Isle, and Libby, or make loyal men and traitors equal, no, never. When I do "let my right hand forget her cunning and my tongue cleave to the roof of my mouth."

There can be no question about the justice of the pending bill. I point to the city of the dead at Andersonville; I point to these thousands of graves of loyal and brave men who died of starvation and exposure, and in their names I demand the passage of this bill. I point to these graves of the Union dead, that with trumpet tongues cry out "against the deep damnation of their taking off," and ask this act of justice for the survivors. The loyal men and women of the country demand it. In the name of my constituents I demand it. And though it may not secure the two-thirds vote necessary to its passage under a suspension of the rules to-day, we shall have a record on this question pure and simple, and its passage by the Fifty-first Congress is certain, and long-delayed justice to all defenders of the flag and the followers of the Union by this Republican Congress and this Republican Administration is near at hand.

Mr. MORRILL. I yield five minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, I am very glad to say that I shall not be a beneficiary under this bill. Although on various occasions I received very cordial and pressing invitation to become a prisoner of war, I always respectfully declined. [Laughter.] But it was my fortune while lying wounded in the general hospital at Annapolis, Md., to witness the arrival of the first steam-boat-load of prisoners of war that came there after the commencement of the exchange of prisoners in 1864.

I trust that I shall never look upon the like again. I know that war is cruelty, that war is barbarism. Although, from the moment those prisoners of war, who came from Libby prison and Belle Isle, stepped on board that boat, everything was done for them that human tenderness and love could suggest, yet when the boat reached the dock

at Annapolis eight of them were already dead; four more died within the next twenty-four hours; four more died the succeeding day. As I passed through the great hospitals where the living lay it was such a spectacle of starvation and misery as I trust neither I nor any other American may ever look upon again. They were awful examples of what some of the Southern prisons did for our men—not all, I am glad to say.

Among that entire boat-load there was scarcely one who did not require to be either carried or assisted from the landing to the hospital wards, where I saw them languish and many of them die, and I could only infer from the ghastly remnant of humanity that came back to us what had been the sufferings which they had undergone.

I know that those men were not willing prisoners, and no possible money compensation can make up to them for the misery and pain which they had suffered. I shall vote for this bill gladly, with only regret that we can do no more for the victims of those terrible experiences.

Mr. MORRILL. Mr. Speaker, the pending bill proposes to pension a class of the soldiers of the late war known as ex-prisoners of war. The first section places on the pension-rolls all who are now suffering from disabilities which may reasonably be presumed to be the result of their confinement in Southern prisons and which they are unable to prove on account of the peculiar circumstances surrounding them.

The second section proposes to pay to all who were confined for a period of thirty days and more a per diem of \$2 for their term of imprisonment.

If it is claimed that this bill selects a particular class of those who were engaged in the late conflict to the exclusion of other classes, it can be truthfully stated that these men suffered in a manner that no others suffered and that the conditions that surrounded them entitle them to a special relief. Among all who suffered in the late war of the rebellion there was no class of our soldiery who endured the same hardships and privations as that which this bill is intended to benefit; and that some relief ought to be extended to our unfortunate ex-prisoners of war on account of their terrible sufferings is obvious to every fair-minded man.

I am confident that the first section of the bill will not reach a very large class, for it is believed that all who have been able to show the incurrence of their disabilities by record evidence or other competent testimony, together with the widows, orphans, and dependent parents of those who died in prison or soon after their release from captivity, are already on the pension-rolls of the nation. Of those that remain, a few would not be able to show disabilities entitling them to a pension, and but a small class who are now sick or suffering would have claims that have never been considered in the Pension Office. The bill does not propose to pension sound, able-bodied men, and it is unnecessary to assert the strong improbability of any man who ever suffered the average term of imprisonment being now in perfect health. That is a physical question that may be referred to the medical boards provided for by law for the examination of applicants for pensions. This bill deals only with the survivors of the Confederate prisons and proposes to do justice to a class of heroic and devoted men.

The War Department, in a statistical exhibit of the deaths in the United States Army during the late war, compiled under the direction of the Adjutant-General of the Army in May, 1885, states that the records of the Southern prisons in possession of the Department are very incomplete, not even the death registers of some of the principal places of confinement of Union soldiers having been secured. It is therefore evident that even a prisoner with a hospital record might be denied a pension under existing laws because of the loss or destruction of these records. In some cases he might prove his treatment in hospital by surviving comrades, but even that resource is denied to many whose living comrades are few, while their present places of residence are unknown.

As we recede from the horrors of war and the survivors of the Southern prisons grow fewer in number, we are apt to forget the terrible sufferings which they endured. For the purpose of recalling in some slight degree the great privations and hardships which were suffered by those who were so unfortunate as to be taken prisoners, I desire to present some facts in relation to the principal prisons of the South. The more important places of confinement were those of Andersonville, Florence, Belle Isle, and Salisbury.

In submitting these facts I disclaim any desire to comment on the cruel, inhuman treatment to which our prisoners were subjected or to reopen any discussion as to the responsibility for this terrible suffering. I simply desire to remind the members of this House that great injustice has been done this class and to appeal to them to afford at least the partial relief provided for in this bill without further delay.

Andersonville prison was 1,190 feet long and 779 feet wide. In this small place, barely sufficient to afford room as a camping ground for an ordinary regiment of soldiers, 7,500 men were confined in March, 1864, which number was increased in April to 10,000, in May to 15,000, in June to 22,291, in July to 29,030, and in August to 32,399. Of this number nearly 6,000 died in the months of August and September alone. A clear idea of the sufferings endured by these men can be gathered from the testimony of witnesses who were familiar with the horrors of that prison.

Dr. John C. Bates, acting assistant surgeon under the Confederate authorities at Andersonville, testified as follows on the Wirz trial:

I reported to Dr. Stevenson, who assigned me to the third division of the military prison hospital, under Dr. Sheppard; I was assigned to the fifteenth ward, as then designated.

Upon going to the hospital I went immediately to the ward to which I was assigned, and, although I am not an oversensitive man, I must confess I was rather shocked at the appearance of things. The men were lying partially nude and dying and lousy, a portion of them in the sand and others upon boards which had been stuck up on little props; pretty well crowded together, a majority of them in small tents, looking to be tents that were not very serviceable at best. I went round and examined all that were placed in my charge. That was the condition of the men. By and by, as I became familiarized with the condition of affairs, the impressions which were at first produced upon me wore off more or less. I became familiar with scenes of misery, and they did not affect me so much. I inquired into the rations of the men; I felt disposed to do my duty; and after the men found that I was inclined to aid them so far as I could in my sphere of action, they frequently asked me for a teaspoonful of salt or an order for a little siftings that came out of the meal. I would ask them what they wanted the siftings for; some of them wished them to make some bread. I would inquire into the state of their disease, and if what they asked for would injure them, I would not allow them to have it. I would give them an order for sifted meal where I found that the condition of the patient required something better than siftings. They would come at times in considerable numbers to get these little orders for an extra ration, or, if not a ration, whatever portion they could get.

I spent a considerable portion of my time in writing orders, and I did it very laconically. I had three words that constituted a *bona fide* order, which should be respected by the head cook or baker. We commonly called him Bob; his name was Allen; he was from Illinois. The order would read in this way: "Bob—meal—Bates." If any more words were attached to it, it was not a genuine order. I used that discrimination in order to favor the sickest of them, so that they might get what they could at the expense, perhaps, of those who could get along better without it. These orders were constantly applied for, and I would sign them till my patience was almost worn out. The meat ration was cooked at a different part of the hospital; and when I would go up there, especially when I was medical officer of the day, the men would gather around me and ask me for a bone. I would grant their request so far as I saw bones. I would give them whatever I could find at my disposition without robbing others. I well knew that an appropriation of one ration took it from the general issue; that when I appropriated an extra ration to one man, some one else would fall minus upon that ration. I then fell back upon the distribution of bones. They did not presume to ask me for meat at all. So far as rations are concerned, that is about the way matters went along for some time after I went there.

Clothing, we had none; they could not be furnished with any clothing except that the clothing of the dead was generally appropriated to the living. We thus helped the living along as well as we could.

Of vermin or lice there was a very prolific crop there. I got to understand practically the meaning of the term "lousy;" I would generally find some upon myself after retiring to my quarters; they were so numerous that it was impossible for a surgeon to enter the hospital without having some upon him when he came out, if he touched anybody or anything save the ground, and very often if he merely stood still any considerable length of time he would get them upon him.

When I went to the hospital I found the men destitute of clothing and bedding; there was a partial supply of fuel, but not sufficient to keep the men warm and prolong their existence. Shortly after I arrived there I was appointed officer of the day. I learned that the officer of the day was in supreme command of all pertaining to the hospital, and that it was my duty as such to go into the various wards and divisions of the hospital and rectify anything that needed to be cared for. In visiting the hospital I made a pretty thorough examination. As a general thing the patients were destitute; they were filthy and partly naked. There seemed to be a disposition only to get something to eat. The clamor all the while was for something to eat. They asked me for orders for this, that, and the other—peas or rice, or salt, or beef tea, or a potato, or a biscuit, or a piece of corn-bread, or siftings, or meal.

Medicines were scarce; we could not get what we wished. We drew upon the indigenous remedies; they did not seem to answer. We gathered up large quantities of them, but very few served for medicines as we wished. We wanted the best and most powerful anti-scorbutics, as well as something that was soothing and healing, especially to the lining membrane of the alimentary canal and such things as were calculated to counteract a dropsical disposition and a gangrenous infection. Those were prominent things in the hospital. We had not at all times the proper remedies to administer, and the indigenous remedies did not serve us, and could not serve us in those complaints. We were obliged to do the best we could.

There was in my ward a boy of fifteen or sixteen years, in whom I felt a particular interest. My attention was more immediately called to him from his youth, and he appealed to me in such a way that I could not well avoid heeding him. He would often ask me to bring him a potato, a piece of bread, a biscuit, or something of that kind, which I did; I would put them in my pocket and give them to him. I would sometimes give him a raw potato, and as he had the scurvy and also gangrene, I would advise him not to cook the potato at all, but to eat it raw as an anti-scorbutic. I supplied him in that way for some time, but I could not give him a sufficiency. He became bedridden upon the hips and back, lying upon the ground; we afterwards got him some straw. Those bedridden sores had become gangrenous. He became more and more emaciated until he died. The lice, the want of bed and bedding, of fuel and food, were the cause of his death.

I was a little shy. I did not know that I was allowed to take such things to the patients; and I had been so often arrested that I thought it necessary to be a little shy in what I did, and keep it to myself. I would put a potato in my pocket and would turn around and let it drop to this man or others. I did not wish to be observed by anybody. When I first went there I understood it was positively against the orders to take anything in.

I can speak of other cases among the patients; two or three others in my ward were in the same condition, and there were others who came to their death from the bad condition of things and the lack of necessary supplies. That is my professional opinion.

I had occasion to visit the entire hospital occasionally, and, so far as I saw, its condition was generally the same as I have been describing. At the time I went there, I think, from the best observations I could make, there were, perhaps, 2,000 or 2,500 sick in that hospital.

We had cases of chilblains or frost-bitten feet. Most generally, in addition to what was said to be frost-bite, there was gangrene. I did not see the sores in the original chilblains. I do not think I can say if there were any amputations or any deaths resulting from sufferings of that character, not having charged my mind as to whether the amputations were in consequence of chilblains or because, from accidental abrading of the surface, gangrene set in. But for a while amputations were practiced in the hospital almost daily, arising from a gangrenous and scorbutic condition, which, in many cases, threatened the saturation of the whole system with this gangrenous or offensive matter, unless the

limb was amputated. In cases of amputation of that sort it would sometimes become necessary to reamputate, from gangrene taking hold of the stump again. Some few successive amputations were made. I recollect two or three which were successful. I kept no statistics; those were kept by the prescription clerks and forwarded to headquarters. I did not think at the time that the surgeon-in-chief did all in his power to relieve the condition of those men, and I made my report accordingly.

In visiting the wards in the morning I would find persons lying dead; sometimes I would find them lying among the living. I recollect on one occasion telling my steward to go and wake up a certain one, and when I went myself to wake him up he was taking his everlasting sleep. That occurred in another man's ward, when I was officer of the day. Upon several occasions, on going into my own wards, I found men whom we did not expect to die dead from the sensation of chills produced during night. This was in the hospital. I was not so well acquainted with how it was in the stockade. I judge, though, from what I saw, that numbers suffered in the same way there.

The effect of scurvy upon the systems of the men as it developed itself there was the next thing to rottenness. Their limbs would become drawn up. It would manifest itself constitutionally. It would draw them up. They would go on crutches sidewise, or crawl upon their hands and knees, or on their haunches and feet as well as they could. Some could not eat unless it was something that needed no mastication. Sometimes they would be furnished beef tea or boiled rice or such things as those would be given them, but not to the extent which I would like to see. In some cases they could not eat corn-bread; their teeth would be loose and their gums all bleeding. I have known cases of that kind. I do not speak of it as a general thing. They would ask me to interest myself and get them something which they could swallow without subjecting them to so much pain in mastication. It seems to me I did express my professional opinion that men died because they could not eat the rations they got.

I can not state what proportion of the men in whose cases it became necessary to amputate from gangrenous wounds, and also to reamputate from the same cause, recovered. Never having charged my mind on the subject and not expecting to be called upon in such a capacity, I can not give an approximate opinion which I would deem reliable. In 1864, amputation from that cause occurred very frequently indeed; during the short time in 1865 that I was there amputations were not frequent.

I can not state with any certainty the proportion of prisoners treated in the hospital who recovered and were sent back to the stockade. There were clerks appointed to keep all those accounts, and I tried to confine myself strictly to my own duty, and did not interest myself in any statistical enumeration of facts or data.

The prisoners in the stockade and hospital were not very well protected from the rain; only by their own meager means, their blankets, holes in the earth, and such things. In the spring of 1865, when I was in the stockade, I saw a shed 30 feet wide and 60 feet long; the sick principally were in that. They were in about the same condition as those in the hospital. As to the prisoners generally, their only means of shelter from the sun and rain were their blankets, if they had carried any along with them. I regarded that lack of shelter as a source of disease.

Ambrose Spencer, another witness on that trial, gave the following testimony:

I visited Andersonville during its occupation as a prison very frequently. I have seen the prisoner, Captain Wirz, very frequently. I was there nearly every month, I think, during the time it was a prison. I doubt whether a month elapsed in which I was not there while it was in its crowded condition; every month, except perhaps during March, 1865. I was there in April, 1865. I was at Andersonville constantly; nearly every month, as I have remarked. I had frequent opportunities of seeing the condition of the prisoners, not only from the adjacent hills, but on several occasions from the outside of the stockade where the sentinels' grounds were. I had opportunities of talking at different times with the prisoners, not only at Andersonville, but after they escaped; in several instances when they came to my house. I can only answer the question by saying that their condition was as wretched and as horrible as could well be conceived, not only from exposure to the sun, the inclemency of weather, and the cold of winter, but from the filth, from the absolute degradation which was evident in their condition. I have seen that stockade, after three or four days' rain, when the mud, I should say, was at least 12 inches deep on both the hills. The prisoners were walking or wading through that mud. The condition of the stockade perhaps can be expressed most aptly by saying that in passing up and down the railroad, if the wind was favorable, the odor from the stockade could be detected at least 2 miles.

NUMBER OF SAW AND GRIST MILLS NEAR ANDERSONVILLE.

I believe I am familiar with the surrounding country. That section of Southwestern Georgia is well supplied with mills, both grist-mills, flour-mills, and saw-mills. Between Andersonville and Albany (the distance by railroad being, I believe, 60 miles; there is railroad communication) there are five saw-mills. One of them, a large one, is owned by a gentleman named Drew. There are four others of considerable capacity; there is one saw-mill at a distance of 6 miles from Andersonville, owned by Mr. Stewart, that goes by steam. There is another saw-mill about 5 miles from Andersonville that goes by water. There are saw-mills on the road above Andersonville. As for grist-mills, there are five in the neighborhood of Andersonville, that farthest off being a distance, I should think, not exceeding 10 miles. There were two at Americus, the one farthest off being about 12 miles distant. Of these mills the water-mills are run nearly the entire year, except occasionally in the summer months; in the months of July and August they may be temporarily suspended, owing to the want of water, but not for any length of time.

SUPPLY OF PROVISIONS IN GEORGIA IN 1864.

It is a very heavily timbered country, especially in the region adjoining Andersonville; it may be termed one of the most densely timbered countries in the United States. As for its fertility, Southwestern Georgia, I believe, is termed the garden of America; it was termed the garden of the Confederacy, as having supplied the greater part of the provisions of the rebel army. Our section of Georgia, Sumter County, is perhaps not as rich as the counties immediately contiguous. The land is of a lighter quality, but still it produces heavily. I suppose that the average of that land would be one bale of cotton to the acre; the wheat would average about 6 bushels to the acre. The average of corn throughout the county, I suppose, would be about 8 bushels to the acre. I am stating the general average of the whole number of acres in the county. We have land in that county that will produce 35 bushels of corn to the acre. I am stating the general average. It struck me that there was an uncommon supply of vegetables in 1864. Heretofore, at the South, there has been but little attention paid to gardens on a large scale; but last year a very large supply of vegetables was raised, as I understood, for the purpose of being disposed of at Andersonville. Indeed, there was not a day that passed when the trains were not loaded going from Americus up to Andersonville with persons carrying vegetables there. I know that some officer at Andersonville (I can not say who it was) had agents at Americus to purchase vegetables, and large amounts of vegetables were sent up daily or weekly.

SUPPLY OF LUMBER.

I know of lumber having been used at Andersonville. I was there during June and July very frequently, at the time when Governor Brown had called out the militia of the State. The militia of Southwestern Georgia were stationed at Andersonville, and their tents were all floored with good lumber, and a good many shelters of lumber were put up by the soldiers. I noticed a good many tents that were protected from the sun by boards. There seemed to be no want of lumber at that time among the Confederate soldiers.

TEMPERATURE DURING THE SUMMER OF 1864 AND WINTER OF 1864-'65.

I did not take regular thermometrical observations during the summer of 1864 and the winter of 1864-'65, but I had a thermometer, and every day, sometimes two or three times a day, I examined it. I generally made it a rule to look at it when I got up in the morning, again about noon, and then in the evening. So far as I remember, the range of the thermometer during the summer of 1864 was very high. I think I have seen it as high as 110° in the shade. Once, and only once, I put the thermometer out in the sun on an extremely hot day in June, 1864. It ranged then, if my memory serves me aright, 127 to 130° that day. Last winter, according to my experience during more than twenty-five years' residence in Georgia, was the coldest winter we have ever had there. I have seen the thermometer as low as 20 and 22 degrees above zero—from 8 to 10 degrees below the freezing point; one night it was colder than that; it was the night of the 4th of January. It is very distinctly impressed on my memory. During the night I was waked up by my wife, who told me that somebody was calling in front of my house. I opened the side window (it was excessively cold) and asked who was there. A voice replied, "A friend." I answered that I had no friends at that time of night, and very few anyhow in that country. He said that he was a friend of mine and wanted to come near the fence to speak to me. I told him my dog would bite him if he came to the fence. He then approached and said he was an Andersonville prisoner, and asked me, calling me by name, if I lived there. I told him that I was the man and to wait a moment. I dressed myself, went out and chained my dog and brought the prisoner in. He was nearly frozen; he could hardly stand; he had on only one shoe, and that was a poor one, and had a stocking upon the other foot. He was clad in the thin army flannel of the United States, badly worn. He had on a pair of light-blue pantaloons, which were badly worn. This was on a Wednesday morning, and he told me that he had made his escape from Andersonville on the Saturday previous; that he had been apprehended and taken to Americus, where he had made his escape from the guard the night before, and was directed to my house by a negro. I asked him if he was not nearly frozen. He said he was. I looked at the thermometer then, and it was 18 degrees above zero. This was about 2 o'clock in the morning, between 1 and 2 o'clock.

EFFORTS OF LADIES TO RENDER ASSISTANCE TO THE PRISONERS.

I know that efforts were made by the ladies of my county to relieve the prisoners at Andersonville. At one time a general effort was made. All that I know is that a gentleman named Mr. Davies, a Methodist presiding elder, exerted himself to induce the ladies to contribute clothing and provisions to the Federal hospital at Andersonville. A large amount of provisions was collected, some three or four wagon-loads, if I am not mistaken, and sent up there. I believe that the effort failed. First, the provost-marshal refused a pass to carry the provisions to the hospital; and when application was made by Dr. Head, who acted as the spokesman for the ladies, to General Winder, it was positively refused to them. I had a conversation with General Winder three days afterward. The same matter then came up. General Winder stated, accompanied with oath, that he believed the whole country was becoming "Yankee," and that he would be damned if he would not put a stop to it; if he couldn't one way he would in another. I remarked that I did not think it was any evidence of "Yankee" or Union feeling to exhibit humanity. He said there was no humanity about it; that it was intended as a slur upon the Confederate government and a covert attack upon him. I told him that I had understood it was done at his request; that he had requested Mr. Davies to bring this thing about. He said it was a damned lie; that he had not requested anything of the kind; that for his own part he would as lief the damned Yankees would die there as anywhere else; that, upon the whole, he did not know that it was not better for them. That was his language, or words to that effect. Captain Wirz was not present at that time. My wife was with me at the time. There were other ladies present, but I don't think I knew any of them. They were not part of the committee.

Q. In what way did General Winder speak of the ladies and their humane effort?

A. He used the most opprobrious language that could possibly be used, language that no gentleman could listen to, especially in the presence of his wife, without resenting it in some way; language utterly unfit to be repeated in the presence of ladies. It was an intimation that he could very easily make loyal women of them by putting them in a certain condition that would bring them to it.

I was present at a conversation the day after this committee of ladies failed. It was at the depot at Andersonville. The conversation was principally carried on between the provost-marshal, Captain Reed—

Q. Captain or Lieutenant Reed?

A. I believe we used to call him captain. He might have been a lieutenant, probably. He was the only Reed there. Captain Wirz and R. B. Winder were present. There were three or four officials there; I can not recall any but those. Lieutenant Reed observed that, if General Winder had done as he wanted, they might have made a good speculation out of the provisions and clothing that the ladies had brought; that he proposed that they should be confiscated, but the "Old General" would not do it. Wirz remarked that if he had his way he would have a house built there and all the ladies should be put in it for certain purposes. That was a most scandalous, infamous purpose, which I do not wish to repeat. R. B. Winder's remarks were a general concurrence. I don't know that he said anything special that I can call to mind, any more than laughingly concurring in what had been said.

THE DOGS.

I know Turner, who had the hounds, very well. His name was Wesley W. Turner.

Q. What did you ever hear him say as to his duties there and what he was receiving?

A. It was some time in the early part of 1864, March or April, I think. He had purchased a piece of land up in the same district in which my place is. I met him one day in Americus and asked him if he was going to settle that land. He said he was not; that he was making more money now than anybody in that country. I inquired how he was making it. He said the Confederate government was paying him for keeping hounds to catch escaped prisoners. I asked him if he got his pay from Richmond. He said no, he did not trouble Richmond; that "Old Captain Wirz" was his paymaster. I asked him how much he received. My impression is that he did not tell me what he received. He told me that he was making more money than anybody else in that country; better than cultivating ground. That was early in the history of that prison; I think during March or April. It was while he was there on duty. He told me that he then had a pack of hounds and was employed there.

GENERAL WINDER AND SONS—THEIR ANTIOSITY TOWARDS THE PRISONERS.

I know W. S. Winder—"Sid. Winder," as he is called. I saw him at the time he was laying out the prison. Between the 1st and 15th of December, 1863, I

went up to Andersonville with him and four or five other gentlemen, out of curiosity, to see how the prison was to be laid out. When we arrived there the limits of the prison had all been marked. They were then digging a trench to put the stockade posts in. Workmen were busy cutting down trees in and around where the stockade was. In the course of conversation I inquired of W. S. Winder if it was proposed to erect barracks or shelter of any kind inside the stockade.

"I asked him if he was going to erect barracks of any kind. He replied that he was not; that the damned Yankees who would be put in there would have no need of them. I asked him why he was cutting down all the trees, and suggested that they would prove a shelter to the prisoners, from the heat of the sun at least. He made this reply, or something similar to it: 'That is just what I am going to do; I am going to build a pen here that will kill more damned Yankees than can be destroyed in the front.' Those are very nearly his words or equivalent to them. That was before a stockade was erected in the trench. Capt. R. B. Winder came there to the post ten or fifteen days after that—I suppose about ten days. There was nothing said at that time as to who ordered W. S. Winder there to lay out the prison. I had frequent conversations with General Winder. I used to meet him very frequently, either in America or going up the railroad. I saw him a good many times at Andersonville.

Q. What was the general temper and spirit of his talk with regard to those prisoners?

A. The opinion that I formed of him was anything but creditable to his feeling, his humanity, or his gentlemanly bearing. I am not aware that I ever had a conversation with General Winder in which he did not curse more or less, especially if the subject of Andersonville was brought up. I can only reply to your question by saying that I consider him a brutal man; that I drew from his conversation and conduct as I observed them. I looked upon him as a man utterly devoid of all kindly feeling and sentiment.

CONDITION OF THE PRISONERS GENERALLY KNOWN IN THE SOUTH.

Q. How generally, so far as you observed, were the sufferings and horrors of the Andersonville pen known throughout the South?

A. So far as my knowledge and information went, the knowledge of those sufferings was general; it was so, at least, throughout the southern part of the Southern States; I can not speak specially in regard to the neighborhood of Richmond. The matter was discussed in the newspapers constantly, and discussed in private circles. Perhaps I might have heard more of it than most, because it dwelt more on my mind; but it was a general subject of conversation throughout the entire southern part of the Confederacy.

Among the interesting documents captured from the Confederate archives at Richmond is the following letter, written by a resident of South Carolina, upon which were indorsements showing that it had been referred to the president of the Confederacy:

STATESBURG, S. C., October 12, 1864.

DEAR SIR: Inclosed you will find an account of the terrible sufferings of the Yankee prisoners at Florence, S. C.

In the name of all that is holy, is there nothing that can be done to relieve such dreadful suffering?

If such things are allowed to continue they will most surely draw down some awful judgment upon our country. It is a most horrible national sin that can not go unpunished. If we can not give them food and shelter, for God's sake parole them and send them back to Yankee land, but don't starve the miserable creatures to death.

Don't think that I have any liking for the Yankee. I have none. Those near and dear to me have suffered too much from their tyranny for me to have anything but hatred to them; but I have not yet become quite brute enough to know of such suffering without trying to do something even for a Yankee.

Yours, respectfully,

SABINA DISMUKES.

Sabina Dismukes, Statesburgh, S. C., October 12, 1864. Forwards newspaper article on treatment of Yankee prisoners at Florence, S. C. Asks that they may be fed or paroled.

Respectfully referred, by direction of the President, to the Hon. Secretary of War.

BURTON N. HARRISON,
Private Secretary.

A. G.: Referred to Brigadier-General Winder.

By order:
OCTOBER 23, 1864.

J. A. CAMPBELL, A. S. W.

Respectfully referred to General Winder.
By order A. and I. General.

JOHN W. RIELY, A. A. General.

A and I. G. O., October 23, 1864.

The condition at Florence is shown by the following article, taken from the Sumter Watchman:

PRISONERS AT FLORENCE.

MR. EDITOR: It may not be uninteresting to your numerous readers to hear something from the Yankee camp at Florence. Your correspondent went over, upon the summons of one of those ominous O. B.'s which the times have made more familiar than agreeable, to take a drove of cattle to the camp. Our party had in charge animals of all sizes, sexes, and conditions, from the patriarch of the herd, whose seamed and wrinkled front bore the marks of many a bloody battle, to "auld crumple," who had served her day at the milk-pail and whose constitution was evidently unable to stand the blasts of another March. We lost three on the way—two straggled and one fell from exhaustion; the buzzards after all were not cheated of their long-expected prey. The country through which we traveled is "flat, stale, and unprofitable." The crops are poor and every cotton-field destroyed by the "army worm," as if in imitation of its more intelligent namesakes. No object of curiosity was encountered on the way, unless we take into account the "long bridge" over what the natives call "Spawa Swamp." Most of the houses were uninhabited, with fences and outbuildings going to ruin.

"No product now the barren fields afford
But men and steel, the soldier and his sword."

The camp we found full of what were once human beings, but who would scarcely now be recognized as such. In an old field, with no inclosure but the living wall of sentinels who guard them night and day, are several thousand filthy, diseased, famished men, with no hope of relief except by death. A few dirty rags stretched on poles give them a poor protection from the hot sun and heavy dews. All were in rags, and barefoot, and crawling with vermin. As we passed around the line of guards I saw one of them brought out from his miserable booth by two of his companions and laid upon the ground to die. He was nearly naked. His companions pulled his cap over his face and straightened out his limbs. Before they turned to leave him he was dead. A slight movement of the limbs and all was over. The captive was free! The commissary's tent was near one side of the square, and near it the beef was laid upon boards preparatory

to its distribution. This sight seemed to excite the prisoners as the smell of blood does the beasts of a menagerie. They surged up as near the lines as they were allowed, and seemed, in their eagerness, about to break over. While we were on the ground a heavy rain came up and they seemed to enjoy it, coming out in *pura naturalibus*, opening their mouths to catch the drops, while one would wash off another with his hands and then receive from him the like kind office. Numbers got out at night and wander to the neighboring houses in quest of food.

From the camp of the living we passed to the camp of the dead—the hospital—a transition which reminded me of Satan's soliloquy:

"Which way I fly is hell; myself am hell;
And in the lowest deep a lower deep,
Still threatening to devour me, opens wide."

A few tents, covered with pine tops, were crowded with the dying and the dead in every stage of corruption. Some lay in prostrate helplessness; some had crowded under the shelter of the bushes; some were rubbing their skeleton limbs. Twenty or thirty of them die daily—most of them, as I was informed, of the scurvy. The corpses lay by the roadside waiting for the dead-cart, their glassy eyes turned to heaven, the flies swarming in their mouths, their big toes tied together with a cotton string, and their skeleton arms folded on their breasts. You would hardly know them to be men, so sadly do hunger, disease, and wretchedness change the "human face divine." Presently came the carts. They were carried a little distance to trenches dug for the purpose, and tumbled in like so many dogs; a few pine tops were thrown upon the bodies, a few shovelful of dirt, and then haste was made to open a new ditch for other victims. The burying party were Yankees detailed for the work, an appointment which, as the sergeant told me, they consider as a favor, for they get a little more to eat and enjoy fresh air.

Thus we saw at one glance the three great scourges of mankind, war, famine, and pestilence; and we turn from the spectacle sick at heart as we remember that some of our loved ones may be undergoing a similar misery.

Man's inhumanity to man
Makes countless thousands mourn.

Soon eight thousand more will be added to their number, and where the provisions are to come from to feed this multitude is a difficult problem. Five thousand pounds of bacon or ten thousand pounds of beef daily seems, in addition to more urgent drafts upon her, far beyond the ability of South Carolina. The question is, are we not doing serious injury to our cause in keeping these prisoners to divide with us our scanty rations? Would it not be better at once to release them on parole?

HOWARD.

The prison at Salisbury was no better, as plainly shown by the following description:

A brick factory, four stories high, 40 by 100 feet, with five buildings, formerly used as boarding-houses for the operatives, constituted the prisons at Salisbury. A board fence surrounding them inclosed about 5 acres of ground. Prior to October, 1864, comparatively few prisoners had been received here, and those are represented to have been favorably treated. In the fall of 1864 ten thousand prisoners were sent to this point, crowding the inclosure to its utmost capacity. The buildings were soon filled with the sick and dying. Those who were unable to obtain admission remained without shelter other than one Sibley tent for each one hundred men, and were exposed to the rigors of the following winter. Nearly one-half of them perished.

In November, 1864, the prisoners, driven to desperation by starvation and torture, attempted to escape by forcing the guard, but were soon overpowered with the loss of seventy killed and wounded. The guards continued to fire into the prison for some time after the wretched inmates had surrendered and were begging for mercy. The infamous John H. Gee, who had no rival in his brutality save Winder and Wirz, commanded this prison. His beastly and hellish nature revealed in the misery and suffering which surrounded him. He has thus far escaped the just penalty of his crimes through the technicalities of the law.

The customary dead-line was established at a distance of 10 feet from the stockade. Here, as elsewhere, it was the trap which lured the unsuspecting victim to sudden death. About one hundred and fifty citizen prisoners were also confined here, together with deserters from the Federal army, United States seamen, and officers held as hostages. The surface of the ground on which the prison was located was a red clay, which the heavy rains converted into another "Slough of Despond." Water for the camp was brought from a distance of half a mile in barrels.

The number of graves of Union prisoners, as appears by the report of the War Department, is 12,112.

As indicative of the course of prison life at Salisbury, we introduce here the diary of one who perished a prisoner at that place. The original diary of Lucien Holmes, of the Tenth New Hampshire, is incorporated into the testimony herewith submitted, authenticated by the statement of his father, Rev. James Holmes. He was captured in October, 1864, and gives the following account of his imprisonment:

RICHMOND, VA., November 3.—We have drawn two days' rations, about enough for one good meal.

November 4.—Seventy crowded into one car. We are seeing rough times.

November 5.—At Greensboro' about dark; water very scarce indeed.

November 6.—Stopped in an open field over night, hungry and almost choked; cold and only a little wood. After dark that night at Salisbury, N. C. No rations to-day and have to sleep on the ground.

November 7.—Drew a little rice soup, about half a pint. There are 10,000 of us here—1,000 in a division, 100 in a squad. Our regiment, fifth squad, tenth division.

November 8.—We have drawn half a pint of flour and no salt. No tents yet. Water very scarce. This is a rough place.

November 9.—It rained all last night. We had to lie in the mud. We drew this afternoon two tents and two flies for 100 men, a pint of meal and no salt. I am well. I wish I could get word home. It is a shame for any civilized nation to treat men as we are here—thirty and forty dying a day and are drawn off in carts just like so much wood. It is awful! I hope something will be done soon to relieve.

November 10.—It rained almost all night; has been terribly muddy to-day. We drew bread this morning.

November 11.—We drew meat for the first time for a week, and drew meal. The men are dying off very fast indeed, and no wonder, exposed as we are to cold and hunger.

November 12.—We drew bread this morning. I saw twenty-three dead bodies in the dead-house. Men are dying off fast from exposure—are allowed only a little wood.

November 13.—I don't know what we shall do if we have to stay here this winter.

I do hope and pray for better times to come soon.

November 19.—Three men are allowed to go for wood out of one hundred in the squad, but it is not enough to do us much good.

November 20.—Rained all night and all day. We are suffering everything here. I wish I could get word home in some way.

November 21.—Still raining. This yard is worse than any hog-pen I ever saw. We get just enough to eat to live.

November 22.—I wish I could describe the misery and suffering there is in this pen. It can not be called anything else.

November 23.—Ground frozen solid. I never suffered so much with cold as I did last night and to-day. Ninety-six have died in the twenty-four hours past.

November 24.—I suppose this is Thanksgiving Day in New Hampshire, but it does not seem much like it here. To-day they gave us only quarter rations. God only knows what is to become of us here, but we must hope for the best, putting entire confidence in our Heavenly Father. He only can bring us out alive.

November 25.—Only one-quarter rations again to-day. The men are dying fast.

November 26.—No more rations yet.

November 27.—We got half a loaf of bread to-day and some meat.

November 28.—Only quarter rations to-day. I would give almost anything for enough to satisfy my hunger.

November 29.—About four hundred enlisted in the rebel army to-day. I shall have to be reduced more than I am now to enlist in their army. I never felt so weak as I have to-day. Hope for more rations soon. I wish I could get some money from home in some way.

These memoranda were closed November 30, 1864. Young Holmes lingered in Salisbury prison until January 4, 1865, the date of his death. This simple and affecting narrative, which may be considered almost as the dying statement of one who suffered and fell a martyr to Southern cruelty, gives us a glimpse of the fearful character of the sufferings endured in this prison.

Mr. Irvin H. Smith, who was a prisoner at Salisbury, reaching there December 6, 1864, says that no shelter was provided, and for the first few nights they slept on the ground. After a little while they went to digging holes with any tools they could procure, using a case-knife and half canteen, digging a hole about two feet square and five feet deep and then tunneling out. A fire-place was built in one end. In this they slept nights, and staid most of the daytime.

The rations were issued at any time in the day that happened. The divisions were in charge of a sergeant-major, and the squads in charge of a sergeant. The regular ration was bread, rice, and soup, the bread being sometimes made of corn-meal, sometimes of corn-meal ground cobs and all, some from wheat, some from shorts, and some from a mixture of these. The rations were cooked in houses inside of the yard. Besides these rations they got occasionally about three spoonfuls of molasses two or three times in three months, and now and then a few small potatoes. The bread was from 4 to 8 ounces in weight, and issued once a day. Once in six or eight days they drew half rations of bread. The ration of soup was about half a pint, without seasoning of any kind. He says:

"One day while dipping the rice soup out to our squad we found the front part of an ox's head, with no meat on it except the eyes. Sergeant Alvin S. Eaton, of the same company and regiment as myself, took the head to our hole as our portion of the soup. We took the eyes out and ate them with a good relish."

Meat was issued to the men once in six to ten days, 2 ounces or thereabouts, at each time. Such luxuries as tails, paunches, and windpipes of beeves were issued to the men occasionally, but did not reach the division of Mr. Smith.

The quantity of wood issued to each squad was what one to seven men could carry by going once a day a distance of ten or fifteen rods. It was broken up with railroad spikes. The supply of water was very limited, there being some five or six wells in the yard, from which the water was drawn in tin cups. These wells were exhausted very early in the morning. About 10,000 prisoners were put into Salisbury from the 1st of October to the 1st of December. The men were very dirty, filthy, and ragged. The camp was kept comfortably clean except around the sinks. The first floor of the building was occupied as a hospital, and the second and third floors by the rebel authorities for rebel prisoners. Citizen prisoners were confined in a building near the mill. The hospital-room was insufficient for the wants of the prisoners and badly furnished. Many of the prisoners almost entirely lost their senses. Snow fell several times to the depth of several inches, and remained on the ground from one to three days. Most of the time during the winter it was quite cold for a southern climate. Mr. Smith describes the shooting near him of one of the prisoners by the rebel guard, a case apparently of unprovoked murder, for which no punishment followed. At this time guard duty was performed there by the Sixty-ninth South Carolina, composed largely of boys from sixteen to twenty years of age.

The dead were carried out and deposited in what was termed the dead-house. From thence they were taken in a cart about half a mile from the yard and buried in ditches. From twenty to sixty bodies would be lying in the dead-house in the morning.

Mr. Smith arrived at Salisbury soon after the attempted escape, and states that some thirty or forty were wounded. The prisoners were released from Salisbury February 22, 1865. Out of a squad of one hundred, sixty died.

Closing his description of the prisons Mr. Smith says:

"I was able to march to Goldsborough with the rest of the well men, but I was very weak, physically and mentally. After arriving home I was confined to my room six weeks. It was an awful sight to see these wretched men move about the yard, and hear the hack hack, hack, that came from the lips of those about to die. But more horrible than all other scenes was the dead-cart. There was no day in the week, or hour in the day from 8 a. m. to 4 p. m., but that this dead-cart could be seen carrying the lifeless forms of Union prisoners to their long resting-place, with their bodies piled one on the other, as market men pile hogs. There is an expression that goes to the grave on the face of a man that dies of starvation that is heart-rending to look upon. I have seen men killed on more than a dozen battle-fields; I have seen men die from battle-field wounds of almost every description; but never have I witnessed anything that so horrified the senses, shocked the imagination, or led the mind to such diabolical thoughts toward the enemies of my country and humanity as the sight of these, my brother soldiers, thrown into that dead-cart as nude as when born, and so covered with dirt that it was almost impossible to tell a white from a black man."

At Belle Isle, in the winter of 1863-'64, 4,000 prisoners were without shelter. It will be remembered that during this severe winter the James River was frozen over, so that the prisoners crossed safely from the island to the city of Richmond on the ice. Sleet and rain storms occurred, and snow fell several times to the depth of 3 or 4 inches, rendering the few tents furnished almost useless. Every expedient was resorted to by the prisoners to keep from freezing. They crawled into the ditches which surrounded the camp, burrowed into or lay close together on the bare ground, and were often found frozen to death between their sleeping comrades.

Of the disease in these prisons another report, made by Dr. Joseph Jones, professor of medical chemistry in the Medical College of Georgia, who made a thorough inspection of Andersonville prison under the direction of the surgeon-general of the Confederacy, gives the following statement:

Scurvy, diarrhea, dysentery, and hospital gangrene were the prevailing diseases. I was surprised to find but a few cases of malarial fever, and no well marked cases either of typhus or typhoid fever. The absence of the different forms of malarial fever may be accounted for in the supposition that the artificial atmosphere of the stockade, crowded densely with human beings and

loaded with animal exhalations, was unfavorable to the existence and action of the malarial poison. The absence of typhoid and typhus fevers among all the cases which are supposed to generate these diseases appears to be due to the fact that the great majority of these prisoners had been in captivity in Virginia, at Belle Island, and in other parts of the Confederacy, for months, and even as long as two years, and during this time they had been subjected to the same bad influences, and those who had not had these fevers before either had them during their confinement in Confederate prisons or else their systems, from long exposure, were proof against their action.

The effects of scurvy were manifested on every hand, and in all its various stages, from the muddy, pale complexion, pale gums, feeble, languid muscular motions, lowness of spirits, and fetid breath, to the dusky, dirty, leaden complexion, swollen features, spongy, purple, livid, fungoid, bleeding gums, loose teeth, oedematous limbs covered with livid vibices and petechiae, spasmodically flexed, painful and hardened extremities, spontaneous hemorrhages from mucous canals, and large, ill-conditioned spreading ulcers covered with a dark purplish fungous growth. I observed that in some of the cases of scurvy the parotid glands were greatly swollen, and in some instances to such an extent as to preclude entirely the power to articulate. In several cases of dropsy of the abdomen and lower extremities, supervening upon scurvy, the patients affirmed that previous to the appearance of the dropsy they had suffered with profuse and obstinate diarrhea, and that when this was checked by a change of diet, from Indian corn-bread baked with the husk, to boiled rice, the dropsy appeared. The severe pains and livid patches were frequently associated with swellings in various parts, and especially in the lower extremities, accompanied with stiffness and contractions of the knee joints and ankles, and often with a brawny feel of the parts, as if lymph had been effused between the integuments and aponeuroses, preventing the motion of the skin over the swollen parts. Many of the prisoners believed that the scurvy was contagious, and I saw men guarding their wells and springs, fearing lest some men suffering with the scurvy might use the water and thus poison them. I observed also numerous cases of hospital gangrene and of spreading scorbutic ulcers, which had supervened upon slight injuries. The scorbutic ulcers presented a dark, purple, fungoid, elevated surface, with livid swollen edges, and exuded a thin, fetid, sanious fluid instead of pus. Many ulcers which originated from the scorbutic condition of the system appeared to become truly gangrenous, assuming all the characteristics of hospital gangrene. From the crowded condition, filthy habits, bad diet, and dejected, depressed condition of the prisoners, their systems had become so disordered that the smallest abrasion of the skin from the rubbing of a shoe, or from the effects of the sun, or from the prick of a splinter, or from scratching, or a mosquito bite in some cases, took on rapid and frightful ulceration and gangrene. The long use of salt meat, oftentimes imperfectly cured, as well as the almost total deprivation of vegetables and fruit, appeared to be the chief causes of the scurvy. I carefully examined the bakery and the bread furnished the prisoners, and found that they were supplied almost entirely with corn-bread from which the husk had not been separated. This husk acted as an irritant to the alimentary canal, without adding any nutriment to the bread.

As far as my examination extended, no fault could be found with the mode in which the bread was baked; the difficulty lay in the failure to separate the husk from the corn meal. I strongly urged the preparation of large quantities of soup made from the cow and calves' heads with the brains and tongues, to which a liberal supply of sweet potatoes and vegetables might have been advantageously added. The materials existed in abundance for the preparation of such soup in large quantities with but little additional expense. Such aliment would have been not only highly nutritious, but it would also have acted as an efficient remedial agent for the removal of the scorbutic condition. The sick within the stockade lay under several long sheds which were originally built for barracks. These sheds covered two floors, which were open on all sides. The sick lay upon the bare boards or upon such ragged blankets as they possessed, without, as far as I observed, any bedding or even straw. Pits for the reception of feces were dug within a few feet of the lower floor, and they were almost never unoccupied by those suffering from diarrhea. The haggard, distressed countenances of these miserable, complaining, dejected living skeletons, crying for medical aid and food, and cursing their Government for its refusal to exchange prisoners, and the ghastly corpses, with their glazed eyeballs staring up into vacant space, with the flies swarming down their open and grinning mouths and over their ragged clothes, infested with numerous lice, as they lay among the sick and dying, formed a picture of helpless, hopeless misery, which it would be impossible to portray by words or by the brush.

The patients and attendants, near two thousand in number, are crowded into this confined space, and are but poorly supplied with old and ragged tents. Large numbers of them were without any bunks in the tents, and lay upon the ground, oftentimes without even a blanket. No beds or straw appeared to have been furnished. The tents extend to within a few yards of the small stream, the eastern portion of which, as we have before said, is used as a privy and is loaded with excrements; and I observed a large pile of corn-bread, bones, and filth of all kinds, 30 feet in diameter and several feet in height, swarming with myriads of flies, in a vacant space near the pots used for cooking. Millions of flies swarmed over everything and covered the faces of the sleeping patients, and crawled down their open mouths, and deposited their maggots in the gangrenous wounds of the living and in the mouths of the dead. Mosquitoes in great numbers also infested the tents, and many of the patients were so stung by these pestiferous insects that they resembled those suffering with a slight attack of the measles.

The police and hygiene of the hospital was defective in the extreme; the attendants, who appeared in almost every instance to have been selected from the prisoners, seemed to have in many cases but little interest in the welfare of their fellow-captives. The accusation was made that the nurses in many cases robbed the sick of their clothing, money, and rations, and carried on a clandestine trade with the paroled prisoners and Confederate guards without the hospital inclosure in the clothing and effects of the sick, dying, and dead Federals. They certainly appeared to neglect the comfort and cleanliness of the sick intrusted to their care in a most shameful manner, even after making due allowances for the difficulties of the situation. Many of the sick were literally incased with dirt and filth and covered with vermin. When a gangrenous wound needed washing, the limb was thrust out a little from the blanket, or board, or rags upon which the patient was lying, and water poured over it, and all the putrescent matter allowed to soak into the ground floor of the tent. The supply of rags for dressing wounds was said to be very scant, and I saw the most filthy rags which had been applied several times, and imperfectly washed, used in dressing recent wounds. Where hospital gangrene was prevailing it was impossible for any wound to escape contagion under these circumstances. The results of the treatment of wounds in the hospital were of the most unsatisfactory character, from this neglect of cleanliness in the dressings and wounds themselves, as well as from various other causes which will be more fully considered. I saw several gangrenous wounds filled with maggots.

The air of the tents was foul and disagreeable in the extreme, and in fact the entire grounds emitted a most nauseous and disgusting smell. I entered nearly all the tents and carefully examined the cases of interest, and especially the cases of gangrene, upon numerous occasions, during the prosecution of my pathological inquiries at Andersonville, and therefore enjoyed every opportunity to judge correctly of the hygiene and police of the hospital.

There appeared to be almost absolute indifference and neglect on the part of the patients of personal cleanliness; their persons and clothing in most instances, and especially those suffering with gangrene and scorbutic ulcers, were filthy in the extreme and covered with vermin. It was too often the case that patients were received from the stockade in a most deplorable condition. I have seen men brought in from the stockade in a dying condition begrimed from head to foot with their own excrements, and so black from smoke and filth that they resembled negroes rather than white men. That this description of the stockade and hospital has not been overdrawn will appear from the reports of the surgeons in charge appended to this report.

In the five prisons named 39,147 died, and in the smaller prisons, which have not been enumerated, about 10,591 died during the same period, making a grand total of 49,738, being 29.8 of the whole number confined.

Up to the time of the battle of Gettysburgh the exchange, with the exception of a few weeks, had been uninterrupted, and consequently those who were taken prisoners were immediately paroled or held in captivity but a short time. It must be admitted as an undeniable scientific truth that the exposure to privations and the sufferings of a large body of men in an incredibly short time would cause strain on the constitutions of the survivors that must have wrought hopeless and irreparable injury. It is hardly credible that the man who survived the hardships that killed so large a proportion of his comrades would not have his vitality diminished and his days shortened by what proved so fatal to them. In support of this position I get from the official report of Dr. Joseph Jones, professor of medical chemistry at Augusta, Ga., the following:

1. The great mortality among the Federal prisoners confined in the military prison at Andersonville was not referable to climatic causes or to the nature of the soil and waters.

2. The chief causes of death were scurvy and its results and bowel affections, chronic and acute diarrhea and dysentery. The bowel affections appear to have been due to the diet, the habits of the patients, the depressed, debilitated state of the nervous system and moral and intellectual powers, and to the effluvia arising from the decomposing animal and vegetable filth. The effects of salt meat and an unvarying diet of corn-meal, with but few vegetables and imperfect supplies of vinegar and sirup, were manifested in the great prevalence of scurvy. This disease without doubt was also influenced to an important extent in its origin and course by the foul animal emanations.

3. From the sameness of the food and from the action of the poisonous gases in the densely crowded and filthy stockade and hospital the blood was altered in its constitution, even before the manifestation of actual disease. In both the well and the sick the red corpuscles were diminished; and in all diseases uncomplicated with inflammation the fibrous element was deficient. In cases of ulceration of the mucous membrane of the intestinal canal, the fibrous element of the blood was increased, while in simple diarrhea, uncomplicated with ulceration, it either diminished or else remained stationary. Heart clots were very common, if not universally present, in the cases of ulceration of the intestinal mucous membrane, while in the uncomplicated cases of diarrhea and scurvy the blood was fluid, and did not coagulate readily, and the heart clots and fibrous concretions were almost universally absent. From the watery condition of the blood there resulted various serous effusions into the pericardium, ventricles of the brain, and into the abdomen. In almost all the cases which I examined after death, even the most emaciated, there was more or less serious effusion into the abdominal cavity. In cases of hospital gangrene of the extremities and in cases of gangrene of the intestines, heart clots and fibrous coagula were universally present. The presence of those clots in the cases of hospital gangrene, while they were absent in the cases in which there was no inflammatory symptoms, sustains the conclusion that hospital gangrene is a species of inflammation, imperfect and irregular though it may be in its progress, in which the fibrous element and coagulation of the blood are increased, even in those who are suffering from such a condition of the blood, and from such diseases as are naturally accompanied with a decrease in the fibrous constituent.

4. The fact that hospital gangrene appeared in the stockade first and originated spontaneously without any previous contagion and occurred sporadically all over the stockade and prison hospital was proof positive that this disease will arise whenever the conditions of crowding, filth, foul air, and bad diet are present. The exhalations from the hospital and stockade appeared to exert their effects to a considerable distance outside of these localities. The origin of hospital gangrene among these prisoners appeared clearly to depend in great measure upon the state of the general system induced by diet and various external noxious influences. The rapidity of the appearance and action of the gangrene depended upon the powers and state of the constitution, as well as upon the intensity of the poison in the atmosphere or upon the direct application of poisonous matter to the wounded surface. This was further illustrated by the important fact that hospital gangrene, or a disease resembling it in all essential respects, attacked the intestinal canal of patients laboring under ulceration of the bowels, although there were no local manifestations of gangrene upon the surface of the body. This mode of termination in cases of dysentery was quite common in the foul atmosphere of the Confederate States military hospital, in the depressed, depraved condition of the system of these Federal prisoners.

5. A scorbutic condition of the system appeared to favor the origin of foul ulcers, which frequently took on true hospital gangrene. Scurvy and hospital gangrene frequently existed in the same individual. In such cases vegetable diet, with vegetable acids, would remove the scorbutic condition without curing the hospital gangrene. From the results of the existing war for the establishment of the independence of the Confederate States, as well as from the published observations of Dr. Trotter, Sir Gilbert Blane, and others of the English navy and army, it is evident that the scorbutic condition of the system, especially in crowded ships and camps, is most favorable to the origin and spread of foul ulcers and hospital gangrene. As in the present case of Andersonville, so also in past times when medical hygiene was almost entirely neglected, those two diseases were almost universally associated in crowded ships. In many cases it was very difficult to decide at first whether the ulcer was a simple result of scurvy or of the action of the prison or hospital gangrene, for there was great similarity in the appearance of the ulcers in the two diseases. So commonly have those two diseases been combined in their origin and action that the description of scorbutic ulcers, by many authors, evidently includes also many of the prominent characteristics of hospital gangrene. This will be rendered evident by an examination of the observations of Dr. Lind and Sir Gilbert Blane upon scorbutic ulcers.

6. Gangrenous spots, followed by rapid destruction of tissue, appeared in some cases where there had been no known wound. Without such well established facts it might be assumed that the disease was propagated from one patient to another. In such a filthy and crowded hospital as that of the Confederate States military prison at Andersonville it was impossible to isolate the wounded from the sources of actual contact of the gangrenous matter. The flies swarming over the wounds and over filth of every kind, the filthy, imperfectly washed, and

scanty supplies of rags, and the limited supply of washing utensils, the same wash-bowl serving for scores of patients, were sources of such constant circulation of the gangrenous matter that the disease might rapidly spread from a single gangrenous wound. The fact already stated, that a form of moist gangrene, resembling hospital gangrene, was quite common in this foul atmosphere, in cases of dysentery, both with and without the existence of the disease upon the entire surface, not only demonstrates the dependence of the disease upon the state of the constitution, but proves in the clearest manner that neither the contact of the poisonous matter of gangrene nor the direct action of the poisonous atmosphere upon the ulcerated surface is necessary to the development of the disease.

7. In this foul atmosphere amputation did not arrest hospital gangrene; the disease almost invariably returned. Almost every amputation was followed finally by death, either from the effects of gangrene or from the prevailing diarrhea and dysentery. Nitric acid and escharotics generally, in this crowded atmosphere, loaded with noxious effluvia, exerted only temporary effects. After their application to the diseased surfaces the gangrene would frequently return with redoubled energy, and even after the gangrene had been completely removed by local and constitutional treatment it would frequently return and destroy the patient. As far as my observation extended, very few of the cases of amputation for gangrene recovered. The progress of these cases was frequently very deceptive. I have observed after death the most extensive disorganization of the structures of the stump, when during life there was but little swelling of the part and the patient was apparently doing well. I endeavored to impress upon the medical officers the view that in this disease treatment was almost useless without an abundant supply of pure, fresh air, nutritious food, and tonics and stimulants. Such changes, however, as would allow of the isolation of the cases of hospital gangrene appeared to be out of the power of the medical officers.

8. The gangrenous mass was without true pus, and consisted chiefly of broken-down, disorganized structures. The reaction of the gangrenous matter in certain stages was alkaline.

9. The best and, in truth, the only means of protecting large armies and navies, as well as prisoners, from the ravages of hospital gangrene is to furnish liberal supplies of well cured meat, together with fresh beef and vegetables, and to enforce a rigid system of hygiene.

10. Finally, this gigantic mass of human misery calls loudly for relief, not only for the sake of suffering humanity, but also on account of our own brave soldiers now captives in the hands of the Federal Government. Strict justice to the gallant men of the Confederate armies who have been or who may be so unfortunate as to be compelled to surrender in battle demands that the Confederate Government should adopt that course which will best secure their health and comfort in captivity, or at least leave their enemies without a shadow of an excuse for any violation of the rules of civilized warfare in the treatment of prisoners.

Prisoners of war may not be entitled to any consideration as a class. They could only expect, among other hardships, capture and imprisonment, but they did have a right to demand when they were unfortunately captured that they should not be abandoned by the Government and made to bear the greatest sufferings in order to secure the end desired by the authorities of the United States. It is reasonable to be presumed that our soldiers believed our Government strong enough to protect them in all emergencies, and that our Government could have done this has never been questioned. The commanding general of the Army, under instructions and authority of the War Department, showed them a cheaper and a shorter way to terminate the war than that of extermination. It, however, involved the abandonment of all United States prisoners of war to a fate incident to the horrors of a heartless Confederacy. Our soldiers were left for months in the hands of an ill-provisioned and poorly supplied enemy, doubtless in pursuance of a severe but necessary military policy, and in so doing the Government owes reparation for the resulting damages to the health of the survivors and to the widows and dependent relatives of the dead.

At the time that this policy was adopted there were in Southern prisons about 60,000 men. Of this number 20,000 had enlisted in 1861, and their term of service had consequently expired. This was a fact well known to our authorities. These men had served the three years for which they had enlisted. Their term of service had expired. They were entitled to an honorable discharge and to be permitted to return to their homes. Is it not a just claim against the Government that they were detained against their wills and compelled to undergo sufferings too horrible to be believed if told to the present generation? At what amount would you fix the compensation if the case were before you as a jury? If it were possible for one of these men to bring suit against the Government and to show that he had been detained for twelve months, suffering indescribable hardships, after he was entitled to an honorable discharge, that then the Government received him on parole sick and exhausted, and without waiting for him to recruit his wasted strength or recover his health, without providing him with any of the medical care and attention that were necessary for him in his feeble condition, they summarily discharged him, paid him off, and sent him home to spend what little money he might have in endeavoring to nurse himself back to health, you would give him, not \$2 a day, but \$10,000 or \$20,000 damages.

The objection has been raised by many against prisoners of war receiving any special recognition on the ground that many preferred to be captured to continuing in active service. It is possible that in a few cases before the exchange was interrupted this might be true, but it must be remembered that this bill can not in any way benefit those who were captured and immediately paroled or who remained but a few days in confinement. Objection might possibly hold good in reference to the latter class, but it is well known to every old soldier that Andersonville and the other prisons of the South were the terror of all men in time of danger. They would rather risk death itself on the battle-field than the prospect of being captured and taken to any of these prisons.

The mortality of the entire Army, according to the figures furnished

by the War Department, gives a grand total of 359,523 as the total loss, or 15.4, by death during the late war of the rebellion. The deaths in the prisons were 29.8, or nearly double those from all other causes in the service. The percentage of those killed in battle or who died of wounds received on the field is less than 5, showing that the man who went into an engagement stood five times as good a chance to escape with his life as the man who was sent to prison. This, I think, is a sufficient answer to the charge that men suffered themselves to be captured to escape the dangers of the battle-field. But, it will be asked, why should prisoners of war be paid a per diem for time spent in captivity? The soldier on the battle-field, when he fell a victim to disease, had every aid, care, and attention known to medical skill and science, while the prisoner in the late war was absolutely without the care, nursing, proper food, shelter, or any of the other means used to combat disease and restore the body to health and strength. And this was not the case of a few days, or even weeks, but, indeed, in many cases it continued for as long a time as a year and half. Consider the effect of the continuance for months of unchecked diarrhea, rheumatism, disease of the lungs and heart, or any of the countless complications that beset prisoners of war, not in a few instances, but in so many cases as to make it well-nigh universal.

The large majority of those to be benefited by this bill were held as prisoners of war until March 6, 1865, and not one in twenty was fitted to resume active service if there had been duty to perform, and as their terms had nearly all expired they were promptly discharged. Who paid the bills for treatment and care for the months, and in some instances years, that followed? The Government did not offer to pay a single dollar. The soldier who had, through privation and disease, suffered everything but death itself, made such recovery as he might at his own expense or that of his friends. Not only this, but he suffered great loss through inability to labor to earn even the smallest pittance. Consider the weakness and inanition of one who has long suffered from the most exhausting diseases even when he has convalesced.

Many of these brave men, too, were deprived of all opportunity of promotion and of all chance to re-enlist when their terms of service had expired and receive the generous bounty offered by the Government to the old veterans. In a multitude of cases men lost considerable amounts when they were taken prisoners. Money that they had taken from them, and also their extra clothing, and in many cases they were stripped of that which they had on their persons. In one case a friend of mine, an officer in the Army, who had been paid the day before his capture, received quite an amount of money, which, in addition to his personal effects, his captors dispossessed him of and never returned. The Government has never offered restitution in such cases. Is it asking too much of this rich and prosperous nation to make good at least a part of this expense and loss? Should this Government shrink from making what amends it may? While it is frankly admitted that the relief proposed by the second section of this bill—a per diem for the time spent in confinement—will afford but unequal relief, yet it is deemed the best that can be suggested at this time.

In making an estimate of the cost of this bill your committee have accepted the figures given in House Report No. 45, Fortieth Congress, as follows:

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| The War Department tables on page 273, etc., show that Union soldiers were captured..... | 197,617 |
| About one-half of this number were confined in prisons and prison-pens [House Report No. 45, Fortieth Congress, third session, War Department tables:] | 98,808 |
| Of these prisoners, died at— | |
| Andersonville, Ga..... | 13,705 |
| Richmond, Va..... | 3,450 |
| Charleston, S. C..... | 582 |
| Montgomery, Ala..... | 198 |
| Atlanta, Ga..... | 112 |
| Cahaba, Ala..... | 147 |
| Macon, Ga..... | 188 |
| Lynchburgh, Va..... | 29 |
| Millen, Ga..... | 19 |
| Mobile, Ala..... | 17 |
| Petersburgh, Va..... | 36 |
| Raleigh, N. C..... | 23 |
| Miscellaneous (in 46 other prisons) | 157 |
| [Quartermaster-General's report on prisoners' graves:] | |
| Salisbury, N. C..... | 12,174 |
| Annapolis, Md..... | 2,482 |
| Danville, Va..... | 1,314 |
| Florence, Ala..... | 2,969 |
| | 37,602 |

Released from prison in 1865..... 61,206

And from the best information obtainable your committee estimate that from 1865 to 1890, 28,648 ex-prisoners have died, leaving alive to-day 32,558. Two-thirds of these would probably be entitled to the benefits of the second section of this act and would receive on an average \$350 each, making \$7,500,000 as the total amount required to pay the per diem under this section.

That these men are entitled to special relief can not be denied. There can be no comparison instituted between the hardships and sufferings of the prisoners of war and of those who suffered only the ordinary vicissitudes of war. Non-exchange of prisoners was part of the plan of the Government in crushing out the rebellion. I do not care now to dis-

cuss the measure of responsibility incurred by the United States in refusing to exchange. It was undoubtedly the violation of the implied contract between the soldier and his Government, which agreed to succor him in sickness and distress as fully as he had agreed to serve its cause in the field. It was justifiable only on the ground of the necessity of war. If, through the adoption of this plan, less suffering in the aggregate was brought to the country, it may be justifiable, but to refuse to afford relief to the survivors at this time is utterly inexcusable. Stripped of all the protection and consideration that a nation owes its soldiers, left entirely desolate and at the mercy of every adverse influence, there should be no quibbles now regarding measures of relief as to the justice of their claim.

Here are a few thousand men selected by the nation to be the great martyrs of the cause; selected to stand in the place of others, selected to perform the greatest service without hope of promotion or compensation. When the Government was poor they made no claim, and in all the years that have intervened no class of the gallant defenders of our country has been more modest in its claims; but now that the Government is able to discharge its obligations to all classes of claimants, these ex-prisoners of war ask some remuneration for the extraordinary losses and hardships they had to suffer. In the name of justice and of common humanity and in behalf of these brave and heroic men, I ask for the passage of this bill.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Kansas to suspend the rules and pass the bill as read.

The question was taken; the House proceeded to divide—

Mr. CHEADLE and others. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 78, not voting 106; as follows:

YEAS—143.

| | | | |
|-----------------|-----------------|--------------|-----------------|
| Adams, | Culbertson, Pa. | La Follette, | Scranton, |
| Allen, Mich. | Cutcheon, | Laidlaw, | Seull, |
| Anderson, Kans. | Dalzell, | Laws, | Sherman, |
| Arnold, | De Haven, | Lind, | Shively, |
| Atkinson, Pa. | De Lano, | Lodge, | Simonds, |
| Baker, | Dingley, | Magner, | Smith, Ill. |
| Banks, | Dolliver, | Martin, Ind. | Smyser, |
| Bartine, | Dorsey, | McComas, | Snider, |
| Barwig, | Dunnell, | McCormick, | Spooner, |
| Bayne, | Farquhar, | McKenna, | Springer, |
| Belknap, | Fithian, | McKinley, | Stephenson, |
| Berge, | Flick, | Moffitt, | Stivers, |
| Boothman, | Forman, | Moore, N. H. | Stockbridge, |
| Brookshire, | Funston, | Morey, | Struble, |
| Brosius, | Gear, | Morrill, | Taylor, E. B. |
| Buchanan, N. J. | Gest, | Morrow, | Taylor, Ill. |
| Burrows, | Greenhalge, | Morse, | Taylor, Tenn. |
| Burton, | Grosvenor, | Mudd, | Thomas, |
| Butterworth, | Grout, | O'Donnell, | Thompson, |
| Caldwell, | Hall, | O'Neill, Pa. | Townsend, Colo. |
| Campbell, | Haugen, | Osborne, | Townsend, Pa. |
| Cannon, | Haynes, | Owens, Ohio | Tracey, |
| Carter, | Henderson, Ill. | Payson, | Turner, Kans. |
| Caswell, | Henderson, Iowa | Perkins, | Vandever, |
| Cheadle, | Hermann, | Peters, | Waddill, |
| Chipman, | Hill, | Pickler, | Wade, |
| Clancy, | Hitt, | Pugsley, | Wallace, Mass. |
| Clark, Wis. | Holman, | Quinn, | Wallace, N. Y. |
| Coleman, | Hopkins, | Ray, | Watson, |
| Comstock, | Houk, | Reed, Iowa | Whiting, |
| Connell, | Kelley, | Reilly, | Wickham, |
| Cooper, Ind. | Kennedy, | Reyburn, | Williams, Ill. |
| Cooper, Ohio | Kerr, Pa. | Rockwell, | Wilson, Wash. |
| Covert, | Kinsey, | Rowell, | Yardley, |
| Craig, | Knapp, | Russell, | Yoder. |
| | Lacey, | Sawyer, | |

NAYS—78.

| | | | |
|-------------------|------------------|---------------|----------------|
| Anderson, Miss. | Dibble, | Lawler, | Price, |
| Andrew, | Dockery, | Lee, | Richardson, |
| Bankhead, | Dunphy, | Lester, Ga. | Rogers, |
| Barnes, | Elliott, | Lewis, | Sayers, |
| Blanchard, | Ellis, | Martin, Tex. | Skinner, |
| Bland, | Enloe, | McClammy, | Stewart, Ga. |
| Boatner, | Flower, | McCreary, | Stewart, Tex. |
| Breckinridge, Ky. | Forney, | McMillin, | Stockdale, |
| Buchanan, Va. | Gibson, | McRae, | Stone, Ky. |
| Bunn, | Goodnight, | Mills, | Tarsney, |
| Candler, Ga. | Grimes, | Montgomery, | Tillman, |
| Carlisle, | Hare, | Morgan, | Turner, Ga. |
| Catchings, | Heard, | Norton, | Venable, |
| Clarke, Ala. | Hemphill, | Oates, | Walker, Mo. |
| Clements, | Henderson, N. C. | O'Neill, Ind. | Washington, |
| Crain, | Herbert, | Outhwaite, | Wheeler, Ala. |
| Crisp, | Hooker, | Peel, | Wike, |
| Culbertson, Tex. | Kilgore, | Pennington, | Wilson, W. Va. |
| Cummings, | Lane, | Perry, | |
| Dargan, | Lanham, | Pierce, | |

NOT VOTING—106.

| | | | |
|--------------------|----------------|----------------|-------------|
| Abbott, | Brower, | Cothran, | Hansbrough, |
| Alderson, | Brown, J. B. | Cowles, | Harmer, |
| Allen, Miss. | Browne, T. M. | Darlington, | Hatch, |
| Atkinson, W. Va. | Brown, Va. | Davidson, | Hayes, |
| Beckwith, | Brunner, | Edmunds, | Kerr, Iowa |
| Belden, | Buckalew, | Evans, | Ketchum, |
| Biggs, | Bullock, | Ewart, | Lansing, |
| Bingham, | Candler, Mass. | Featherston, | Lehlbach, |
| Bliss, | Carlton, | Finley, | Lester, Va. |
| Blount, | Caruth, | Fitch, | Maish, |
| Boutelle, | Cheatham, | Flood, | Mansur, |
| Bowden, | Clunie, | Fowler, | Mason, |
| Breckinridge, Ark. | Cobb, | Frank, | McAdoo, |
| Brewer, | Coatswell, | Geissenhainer, | McCarthy, |
| Brickner, | Conger, | Gifford, | McClellan, |

McCord,
Miles,
Milliken,
Moore, Tex.
Mutchler,
Niedringhaus,
Nute,
O'Ferrall,
O'Neil, Mass.
Owen, Ind.
Parrett,
Payne,

Paynter,
Phelan,
Post,
Quackenbush,
Raines,
Randall,
Rife,
Robertson,
Rowland,
Rusk,
Sanford,
Seney,

Smith, W. Va.
Spinola,
Stahneck,
Stewart, Vt.
Stone, Mo.
Stump,
Sweeney,
Taylor, J. D.
Turner, N. Y.
Turpin,
Van Schaick,

Walker, Mass.
Wheeler, Mich.
Whitthorne,
Wiley,
Wilkinson,
Willcox,
Williams, Ohio
Willson, Ky.
Wilson, Mo.
Wright,

The following pairs until further notice were announced:

Mr. THOMAS M. BROWNE with Mr. JASON B. BROWN.
Mr. BECKWITH with Mr. GEISSENHAINER.
Mr. BROWNE, of Virginia, with Mr. O'FERRALL.
Mr. FINLEY with Mr. CANDLER, of Georgia.
Mr. WHEELER, of Michigan, with Mr. COWLES.
Mr. SWEENEY with Mr. MANSUR.
Mr. RANDALL with Mr. O'NEIL, of Massachusetts.
Mr. FRANK with Mr. HATCH.
Mr. HARMER with Mr. BRECKINRIDGE, of Arkansas.
Mr. OWEN, of Indiana, with Mr. PARRETT.
Mr. BREWER with Mr. STUMP.
Mr. BLISS with Mr. STONE, of Missouri.
Mr. MCCORD with Mr. HAYES.
Mr. GIFFORD with Mr. WHITTHORNE.
Mr. EVANS with Mr. PHELAN.
Mr. LEHLBACH with Mr. WILEY.
Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.
Mr. DARLINGTON with Mr. MCADOO, until Tuesday next.
Mr. BOWDEN with Mr. LESTER, of Virginia, for Monday and Tuesday.
The following were announced as being paired for the rest of the day:
Mr. QUACKENBUSH with Mr. MOORE, of Texas.
Mr. NUTE with Mr. CARUTH.
Mr. KETCHAM with Mr. EDMUNDS.
Mr. JOSEPH D. TAYLOR with Mr. COBB.
Mr. KERR, of Iowa, with Mr. ABBOTT.
Mr. BELDEN with Mr. DAVIDSON.
Mr. BROWER with Mr. WILSON, of Maryland.
Mr. WRIGHT with Mr. PAYNTER.
Mr. BINGHAM with Mr. CARLTON.
Mr. HANSBROUGH with Mr. ROBERTSON.
Mr. WALKER, of Massachusetts, with Mr. BULLOCK.
Mr. MILLIKEN with Mr. TUCKER.
Mr. CHEATHAM with Mr. BIGGS.
Mr. BOUTELLE with Mr. TURNER, of New York.
Mr. POST with Mr. ROWLAND.
Mr. REED, of Iowa, with Mr. MCCLELLAN.
Mr. CONGER with Mr. WILLIAMS, of Illinois.
Mr. COGSWELL with Mr. BLOUNT.
Mr. CANDLER, of Massachusetts, with Mr. BRICKNER.
Mr. NUTE. Mr. Speaker, when I agreed to pair I did not anticipate this matter coming up to-day; I am heartily in favor of the bill, but in consequence of my pair I have refrained from voting.
Mr. WILLIAMS, of Illinois. I am paired with Mr. CONGER, of Iowa; but I am satisfied if he were present he would vote for this bill, and I have voted in the affirmative myself.

On motion of Mr. MCKINLEY, by unanimous consent, the reading of the names was dispensed with.

Mr. SPEAKER. On this question the yeas are 143, nays 78; and, two-thirds not voting in the affirmative, the motion to suspend the rules and pass the bill is lost.

ORDER OF BUSINESS.

Mr. REED, of Iowa. I rise to submit a conference report.
Mr. McMILLIN. I move that the House do now adjourn.
Mr. MCKINLEY. If the gentleman will yield to me for one moment—

The SPEAKER. The gentleman from Iowa presents a conference report.

Mr. McMILLIN. I withdraw the motion to adjourn.

UNITED STATES COURTS, SOUTH CAROLINA.

Mr. REED, of Iowa. Mr. Speaker, I submit a conference report, which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 778) to regulate the sittings of courts of the United States within the district of South Carolina, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

J. W. STEWART,
J. R. REED,
JOHN S. HENDERSON,
Managers on the part of the House.
JAS. F. WILSON,
W. M. EVARTS,
J. Z. GEORGE,
Managers on the part of the Senate.

Mr. HOLMAN. I ask for the reading of the statement accompanying the report.

Mr. REED, of Iowa. I will say to the gentleman—

The SPEAKER. The Chair is informed that there is no statement as required by the rule. If insisted upon the report can not be considered now.

Mr. HOLMAN. I understand this is in regard to holding terms of court, and the parties concerned are satisfied, so I shall make no objection.

The report was adopted.

ADDITIONAL COPIES OF TARIFF BILL AND REPORTS.

Mr. MCKINLEY. Mr. Speaker, this morning, by unanimous consent, the House ordered the printing of 25,000 copies of the tariff bill with the accompanying report and the views of the minority. I have learned that the cost of the printing will be in excess of \$500, and, therefore, that a concurrent resolution is necessary. I desire now to ask that the order of the morning be set aside and that the concurrent resolution which I send to the desk be adopted.

The SPEAKER. Without objection, the action taken this morning, ordering the printing of extra copies of the bill, will be rescinded.

There was no objection.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That there be printed 25,000 copies of House bill 9416, to include the report of the committee and the views of the minority, in pamphlet form, 23,000 copies for the use of the House, to be distributed equally among the members, and 2,000 for the use of the Senate.

The resolution was adopted.

TARIFF BILL AND COMPARATIVE TABLES.

Mr. MCKINLEY. I now offer the following resolution.

The Clerk read as follows:

Resolved. That 2,000 copies of House bill 9416, to reduce the revenue and equalize duties on imports, together with the comparative tables prepared by direction of the Committee on Ways and Means, be printed for the use of the House.

The resolution was adopted.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TURNER, of New York, for two days on account of important business.

To Mr. QUACKENBUSH, for this week, on account of important business.

ORDER OF BUSINESS.

Mr. MCKINLEY. I move that the House do now adjourn, but pending that yield for a moment to the gentleman from Kansas [Mr. FUNSTON].

OPTIONS AND FUTURES.

Mr. FUNSTON. Mr. Speaker, I ask unanimous consent that 500 additional copies be printed of House bill 5353 and the reports on the same, that being what is known as the "options bill." The supply printed has been exhausted.

Mr. MCCREARY. What is the title of the bill?

The SPEAKER. It is what is called the "options bill."

Mr. MCCREARY. I asked what the title of the bill was.

The SPEAKER. "A bill defining 'options' and 'futures.'" Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The motion of Mr. MCKINLEY was then agreed to; and (at 5 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

PUBLIC BUILDING AT FRANKFORT, KY.

Letter from the Secretary of the Treasury, requesting that an appropriation may be made for the payment of certain sums due for labor and material supplied in the construction of the public building at Frankfort, Ky.—to the Committee on Appropriations.

COMPENSATION OF W. H. ARNOUX.

Letter from the Secretary of the Treasury, transmitting a communication from the Secretary of the Navy, requesting an appropriation for compensating W. H. Arnoux for his services as counsel during the Congressional investigation into the facts connected with the Jeannette Arctic expedition—to the Committee on Appropriations.

DEFICIENCY IN CONTINGENT EXPENSES IN NAVY DEPARTMENT.

Letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of deficiency in appropriation for contingent expenses in the Navy Department—to the Committee on Appropriations.

REPAIRS OF OLD CUSTOM-HOUSE BUILDING, ST. LOUIS, MO.

Letter from the Secretary of the Treasury, requesting an appropriation for certain repairs in the old custom-house building at St. Louis, Mo.—to the Committee on Appropriations.

AFFAIRS IN THE OVERFLOWED DISTRICTS OF LOUISIANA.

Letter from the Secretary of War, transmitting a copy of a telegram of the 9th instant from the Deputy Quartermaster-General in charge of the Quartermaster-General's Office to the quartermaster at New Orleans, and a copy of his reply thereto of the 12th instant, together with a copy of his report of the 14th instant, in regard to the condition of affairs in the overflowed districts of St. James and Ascension Parishes, Louisiana—to the Committee on Appropriations.

DREDGING EASTERN BRANCH OF THE POTOMAC.

Letter from the Secretary of War, transmitting copies of letters from the Secretary of the Navy, and their accompanying papers, suggesting the importance of dredging the channel of the Eastern Branch of the Potomac River to the depth of 20 feet from the navy-yard to Giesboro' Point—to the Committee on Rivers and Harbors.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. KELLEY:

Resolved, That the Doorkeeper of the House be, and he is hereby, authorized to employ an assistant foreman in the folding-room of the House during the Fifty-first Congress, to be paid out of the contingent fund of the House, until otherwise provided for, a salary at the rate of \$1,200 per annum;

to the Committee on Accounts.

By Mr. DORSEY:

Be it resolved by the House of Representatives (the Senate concurring), That the Secretary of the Treasury be, and is hereby, directed to increase the Treasury purchase and coinage of silver bullion to the maximum amount authorized by "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," which act was passed over the veto of the President and became a law February 28, 1878;

to the Committee on Coinage, Weights, and Measures.

By Mr. BUTTERWORTH (by request):

Resolved, That the Secretary of the Treasury be, and he hereby is, requested to transmit to the House of Representatives a list of all claims allowed by the accounting officers of the Treasury enumerated in the House Executive Documents Nos. 55 and 153, Forty-eighth Congress, second session, for which appropriations have not been made;

to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. TAYLOR, of Tennessee, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 2377) to pay Emma S. Cameron, widow of James Cameron, for property taken and used by the Army during the late war—to the Committee of the Whole House.

Mr. SPINOLA, from the Committee on War Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 8462) to remove limitation from claims of Henry L. Potter; and

A bill (S. 294) for the relief of the trustee of St. Joseph's Catholic Church at Martinsburgh, W. Va.

Mr. MAISH, from the Committee on War Claims, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 7966) for the relief of the heirs of Edmund Wolf; and
A bill (H. R. 8116) for the relief of Alexander Stoddart, of New York.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (S. 153) for the relief of Pearson C. Montgomery, of Memphis, Tenn.;

A bill (H. R. 1859) for the relief of the Catholic Church at Macon City, Mo.;

A bill (H. R. 1064) for the relief of Bertrand and Gaudin Cazes;

A bill (H. R. 2761) for the relief of Lewis D. Allen;

A bill (H. R. 3433) for the relief of the heirs of Miguel Salinas; and
A bill (H. R. 8337) for the relief of Mrs. Ann E. Heiskell.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 4075) for the relief of Francis Millet—to the Committee of the Whole House.

He also, from the same committee, to which were referred the following bills of the House:

A bill (H. R. 5692) for the relief of I. B. Beard, of East Carroll Parish, Louisiana;

A bill (H. R. 6858) for the relief of the estate of Richard Higgins;

A bill (H. R. 7228) for the relief of Mary A. Stowers, administratrix of Samuel Stowers;

A bill (H. R. 7485) for the relief of Henry W. Long;

A bill (H. R. 7653) for the relief of Mary E. Monahan;

A bill (H. R. 7441) for the relief of Mary A. Dougherty and Marshall Davis, of Yazoo County, Mississippi;

A bill (H. R. 7481) for the relief of the heirs of the estate of William M. Kimmons, deceased; and

A bill (H. R. 8329) for the relief of J. J. Bailey, of Shelby County, Tennessee, reported in lieu thereof the following resolution; which was referred to the Committee of the Whole House:

Resolved, That the following bills: H. R. 5692, 6858, 7228, 7485, 7653, 7441, 7481, and 8329, for the relief of I. B. Beard, estate of Richard Higgins, estate of Samuel Stowers and Mary A. Stowers, Henry W. Long, Mary E. Monahan, Mary A. Dougherty, and J. J. Bailey, with accompanying papers, be, and the same are hereby, referred to the Court of Claims under the provisions of the acts of Congress commonly known as the "Bowman act," and an act to provide for the bringing of suits against the Government of the United States, approved March 3, 1887.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, to which was referred the following bills of the House:

A bill (H. R. 6813) for the relief of the heirs of Mary Carlin;

A bill (H. R. 6814) for the relief of Stephen E. Beauchamp;

A bill (H. R. 6815) for the relief of Lucian Males and Denophon Tureaud, administrators estate of Emile Fagot;

A bill (H. R. 6816) for the relief of Francis Massich;

A bill (H. R. 6817) for the relief of A. E. and M. E. Goodrich;

A bill (H. R. 6819) for the relief of heirs of Davis Lannoux;

A bill (H. R. 6820) for the relief of W. F. Sanderson, administrator of W. W. Sanderson;

A bill (H. R. 6821) for the relief of Clarissa Bishop;

A bill (H. R. 6822) for the relief of Alexis Leduff;

A bill (H. R. 6824) for the relief of William Lawhead, administrator of John Lawhead;

A bill (H. R. 5219) for the relief of Sarah A. Powell; and

A bill (H. R. 7443) for the relief of the estate of Janet McIntosh, late of Richland Parish, Louisiana, reported in lieu thereof the following resolution; which was referred to the Committee of the Whole House:

Resolved, That the bills H. R. 6813, 6814, 6815, 6816, 6817, 6819, 6820, 6821, 6822, 6824, 5219, and 7443, for relief of the heirs of Mary Carlin, Stephen E. Beauchamp, estate of Emile Fagot, Francis Massich, A. E. and M. E. Goodrich, heirs of Davis Lannoux, W. F. Sanderson, administrator of W. W. Sanderson, Hannah B. Butler, administratrix Margaret E. Woodward, Alexis Leduff, William Lawhead, administrator of John Lawhead, Sarah A. Powell, and estate of Janet F. McIntosh, and Clarissa Bishop, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims under the provisions of the acts of Congress commonly known as the "Bowman act," and an act to provide for the bringing of suits against the Government of the United States, approved March 3, 1887.

Mr. PERKINS, from the Committee on Indian Affairs, reported with amendment the bill of the House (H. R. 5360) to restore a part of the Uncompahgre Ute Indian reservation to the public domain—to the Committee of the Whole House on the state of the Union.

Mr. THOMAS, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 9199) for the relief of John A. Lynch—to the Committee of the Whole House.

Mr. BURTON, from the Committee on Claims, reported favorably the bill of the House (H. R. 5033) for the relief of C. B. Bryan & Co.—to the Committee of the Whole House.

Mr. STOCKDALE, from the Committee on the Public Lands, reported favorably the bill of the Senate (S. 1100) setting apart a tract of land to be used as a cemetery by the Alvarado Cemetery Association of Georgetown, Colo.—to the Committee of the Whole House on the state of the Union.

Mr. VAN SCHAICK, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the House (H. R. 461) for the erection of a public building at Grand Haven, State of Michigan—to the Committee of the Whole House on the state of the Union.

Mr. HENDERSON, of North Carolina, from the Committee on Pensions, reported favorably the bill of the House (H. R. 8485) granting an increase of pension to Owen C. Powell—to the Committee of the Whole House.

Mr. HENDERSON, of North Carolina, also, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 6755) granting a pension to A. B. Reeves—to the Committee of the Whole House.

Mr. LANE, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 6288) granting a pension to Catherine Talkington—to the Committee of the Whole House.

Mr. DE LANO, from the Committee on Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 3574) granting a pension to Mary E. Tipton;

A bill (H. R. 8061) to increase the pension of Jennie D. Hoskins;

A bill (H. R. 3587) to pension Stacey Keener, widow of Tillman B. Keener, deceased, who served in the Indian war;

A bill (H. R. 7917) granting an increase of pension to Eliza Efner, a pensioner of the war of 1812; and

A bill (H. R. 8381) to increase the pension of Asenath Turner, a Revolutionary pensioner.

Mr. DE LANO also, from the Committee on Pensions, reported with amendments the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 7397) for the relief of Martha J. Morrison;
A bill (H. R. 7734) granting a pension to Mrs. M. M. Bogle;
A bill (H. R. 3585) to pension James T. Furlow for service in the Indian war;

A bill (H. R. 9293) granting a pension to Joel Hendricks;
A bill (H. R. 7523) granting a pension to Calvin Gunn;
A bill (H. R. 1894) to pension Silas Beezley; and
A bill (H. R. 5895) to grant a pension to Hannah Hurst.

Mr. PARRETT, from the Committee on Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 8465) to increase the pension of Daniel King; and
A bill (H. R. 7676) for the relief of Alexander Sturgeon.

Mr. PARRETT also, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 6287) granting a pension to Sarah Phillips—to the Committee of the Whole House.

Mr. NORTON, from the Committee on Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 6686) for the relief of Coplin McKelvey; and
A bill (H. R. 1634) for the relief of William M. Robinson.

Mr. OSBORNE, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 7110) for the relief of Charles S. Blood—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. DINGLEY: A bill (H. R. 9548) providing for the classification of worsted cloths as woollens—to the Committee on Ways and Means.

By Mr. CRAIG: A bill (H. R. 9549) to provide for the purchase of a site and the erection of a public building thereon at Greensburgh, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. HOLMAN: A bill (H. R. 9550) to incorporate the Eclectic Medical Society of the District of Columbia—to the Committee on the District of Columbia.

By Mr. WILSON, of West Virginia (by request): A bill (H. R. 9551) to create a board of education for the District of Columbia, and to prescribe its powers and duties—to the Committee on the District of Columbia.

By Mr. CRAIN: A bill (H. R. 9552) to authorize the construction of a bridge over the Rio Grande River between the cities of Brownsville, Tex., and Matamoros, in the state of Tamaulipas, Republic of Mexico—to the Committee on Commerce.

By Mr. McADOO (by request): A bill (H. R. 9553) to provide compensation for the service of attorneys for defending destitute persons in criminal actions in the courts of the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOORE, of New Hampshire: A bill (H. R. 9554) to prohibit the advertising of lotteries in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BUTTERWORTH (by request): A bill (H. R. 9555) to amend section 1 of an act entitled "An act to provide for the muster of certain officers and enlisted men of the volunteer forces," approved June 3, 1884, as amended by an act approved February 3, 1887—to the Committee on Military Affairs.

By Mr. HEARD: A bill (H. R. 9556) for the final adjustment of the agricultural college grant to the State of Missouri—to the Committee on the Public Lands.

By Mr. CARTER: A bill (H. R. 9557) to provide for salaries of certain officers in the State of Montana—to the Committee on the Judiciary.

By Mr. SNIDER: A bill (H. R. 9558) constituting Gladstone, in the State of Michigan, a port of delivery in the customs-collection district of Superior—to the Committee on Commerce.

By Mr. CUMMINGS: A joint resolution (H. Res. 150) to print the eulogies upon Samuel Sullivan Cox—to the Committee on Printing.

By Mr. JOSEPH: A joint resolution (H. Res. 151) for the protection of the actual settlers upon the Maxwell land grant in the Territory of New Mexico and the State of Colorado—to the Committee on Private Land Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ANDERSON, of Kansas: A bill (H. R. 9559) granting a pension to William Watkins—to the Committee on Invalid Pensions.

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 9560) for the relief of Susan H. Parker—to the Committee on Invalid Pensions.

By Mr. BUCHANAN, of Virginia: A bill (H. R. 9561) granting a pension to Charles A. Ball—to the Committee on Invalid Pensions.

By Mr. BURROWS: A bill (H. R. 9562) for the relief of Noah Griswold—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 9563) granting a pension to Robert B. Deem—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 9564) for the relief of Ellen J. Wharton—to the Committee on Pensions.

By Mr. CRAIG: A bill (H. R. 9565) granting an increase of pension to Joseph N. Wilson—to the Committee on Invalid Pensions.

By Mr. CRAIN: A bill (H. R. 9566) for the relief of the estate of A. Underwood—to the Committee on War Claims.

By Mr. DE LANO: A bill (H. R. 9567) granting a pension to Fayette Nelson—to the Committee on Pensions.

By Mr. ELLIS: A bill (H. R. 9568) for the relief of John Anderson—to the Committee on War Claims.

By Mr. GROUT: A bill (H. R. 9569) restoring to pension-rolls name of Mary J. Webster—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 9570) for the relief of the estate of Warren R. Dent, late of Jefferson County, Mississippi—to the Committee on War Claims.

By Mr. HOUK: A bill (H. R. 9571) for the relief of William Sillard—to the Committee on Military Affairs.

By Mr. HENDERSON, of Iowa: A bill (H. R. 9572) granting a pension to Alexander Crossan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9573) granting relief to Levi Sheets—to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 9574) for the relief of Jerome Kunkel—to the Committee on Military Affairs.

By Mr. LEE: A bill (H. R. 9575) granting a pension to Dr. Francis Lambert—to the Committee on Pensions.

Also, a bill (H. R. 9576) to increase the pension of Mrs. Mary Jane Mallory—to the Committee on Pensions.

By Mr. LODGE: A bill (H. R. 9577) for the relief of Mary C. Winslow—to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 9578) granting a pension to Frederick B. Woods—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 9579) for the relief of Mrs. Christiana M. Scrugham—to the Committee on War Claims.

Also, a bill (H. R. 9580) granting a pension to Rebecca Tussey—to the Committee on Pensions.

By Mr. MORROW: A bill (H. R. 9581) for the relief of Jonathan D. Stevenson, of California—to the Committee on Military Affairs.

By Mr. OUTHWAITE: A bill (H. R. 9582) to grant an increase of pension to Simon J. Fought—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 9583) pensioning Belinda Jane Phillips—to the Committee on Invalid Pensions.

By Mr. PIERCE: A bill (H. R. 9584) for the relief of the estate of Michie Blackman, deceased, of Shelby County, Tennessee—to the Committee on War Claims.

Also, a bill (H. R. 9585) for the relief of the trustees of the Humboldt Female College, of Gibson County, Tennessee—to the Committee on War Claims.

By Mr. ROGERS: A bill (H. R. 9586) for the relief of Joshua V. Shannon—to the Committee on War Claims.

By Mr. SENEY: A bill (H. R. 9587) granting a pension to John Saylor—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 9588) for the relief of William H. Greenwood—to the Committee on Military Affairs.

By Mr. TAYLOR, of Tennessee: A bill (H. R. 9589) for the relief of John M. Holt—to the Committee on War Claims.

By Mr. TOWNSEND, of Pennsylvania (by request): A bill (H. R. 9590) granting a pension to Mrs. Matilda Evans—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 9591) for the relief of George Gunnell—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 9592) granting a pension to Catherine Summerville—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 9593) for the relief of William P. Witherow—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 9594) granting a pension to Andrew Wright—to the Committee on Invalid Pensions.

By Mr. WILSON, of Kentucky: A bill (H. R. 9595) for the relief of William L. Hurst, of Wolfe County, Kentucky—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9596) for the relief of William Lock and James H. Tinsley—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid upon the Clerk's desk and referred as follows:

By Mr. ABBOTT: Protest of citizens of Fort Worth, Tex., against the passage of H. R. 8278—to the Committee on Commerce.

By Mr. ADAMS: Memorial of business men of Chicago, Ill., against duty on lead ores from Mexico—to the Committee on Ways and Means.

Also, memorial of Crerar, Adams & Co. and Adams-Westlake Manufacturing Company, for same purpose—to the Committee on Ways and Means.

Also, memorial of other business men of Chicago, for same purpose—to the Committee on Ways and Means.

By Mr. ANDERSON, of Kansas: Petitions of Farmers' Alliance and citizens of Nebraska—to the Committee on the Pacific Railroads.

Also, two petitions to Congress, for the relief of mortgage debtors—to the Committee on Agriculture.

Also, resolutions of the Lew Gore Post, Manhattan, Kans., petitioning Congress to pass an act donating the Fort Dodge military reservation to the State of Kansas for the use of the Kansas Soldiers' Home—to the Committee on Military Affairs.

Also, resolutions of the Culver Post, Kansas, for same purpose—to the Committee on Military Affairs.

Also, resolutions of the Barnes Post, Barnes, Kans., for the same purpose—to the Committee on Military Affairs.

Also, resolutions of the Henderson Post, Frankfort, Kans., for same purpose—to the Committee on Military Affairs.

Also, resolutions of the Thompson Post and Vermilion Post, Kansas, upon the same subject—to the Committee on Military Affairs.

Also, resolutions of the Sedgwick Post, Clifton, Kans., upon the same subject—to the Committee on Military Affairs.

Also, resolutions of Parson Brownlow Post, Grand Army of the Republic, petitioning Congress for same purpose—to the Committee on Military Affairs.

Also, resolutions of the Waterville Post, for same purpose—to the Committee on Military Affairs.

Also, resolutions of the Board of Trade of Wichita, Kans., in regard to House bill 283—to the Committee on Agriculture.

Also, resolutions from the Board of Trade of Junction City, petitioning Congress not to place a tariff on Mexican ore—to the Committee on Ways and Means.

Also, resolutions of the Rosevale Farmers' Alliance, protesting against the extension of the Union Pacific and Missouri Pacific Railway Companies for the payment of their obligations to the Government—to the Committee on the Pacific Railroads.

Also, petition of 45 citizens of Bennington, Kans., for the passage of a Government warehouse subtreasury law—to the Committee on Agriculture.

Also, petition of Robert Hale Post, Grand Army of the Republic, Blue Rapids, Kans., for the granting of a pension to Wm. Watkins—to the Committee on Invalid Pensions.

Also, resolutions of the board of county commissioners of Douglass County, Kansas, asking for an appropriation of sufficient amount of money for opening up a deep harbor on the Gulf of Mexico—to the Committee on Rivers and Harbors.

Also, six petitions from citizens of Kansas, against the duty on photographic albumen paper—to the Committee on Ways and Means.

By Mr. BAYNE: Petition of the officers and crews of the rams Lioness, T. D. Horner, Dick Fulton, Meigs, and Sampson, for legislation authorizing an award for services rendered in the Union Army during the late war—to the Committee on War Claims.

Also, resolution of ex-Union soldiers of Allegheny, Pa., in favor of per diem bill with minimum at \$8 per month—to the Committee on Invalid Pensions.

Also, memorial of citizens of Allegheny, Pa., against the bill proposing a tax on compound lard—to the Committee on Agriculture.

Also, a memorial of citizens of same city and State, for same purpose—to the Committee on Agriculture.

By Mr. BRECKINRIDGE, of Kentucky: Petition of H. Redmon, S. C. Louderback, and J. W. Wilder, of Kentucky, against the increase of the rate of duty on photographic albumen paper—to the Committee on Ways and Means.

By Mr. BUCHANAN, of New Jersey: Petition of Retail Merchants' Association of Atlantic City, N. J., in favor of a national bankruptcy law—to the Committee on the Judiciary.

By Mr. BURTON: Protest of Local Assembly 4383, Knights of Labor, of Cleveland, Ohio, against extension of time to the Pacific railroads for payment of indebtedness—to the Committee on the Pacific Railroads.

Also, a protest of District Assembly 47, Knights of Labor, of Cleveland, Ohio, against granting any extension of time to the Pacific railroads—to the Committee on the Pacific Railroads.

By Mr. BUTTERWORTH: Petitions from Woman's Christian Temperance Union and other organizations in the First Congressional district of Ohio, for a national Sunday-rest law—to the Committee on Labor.

Also, a petition for the relief of John Gleason—to the Committee on Military Affairs.

By Mr. CANDLER, of Georgia: Petition of citizens of White County, Georgia, in favor of the passage of House bill 5353—to the Committee on Agriculture.

By Mr. CARLISLE: Petition of Dr. A. W. Bartlett, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. CARLTON: Petition of many citizens of the State of Georgia, protesting against the passage of the Conger "compound-lard bill"—to the Committee on Agriculture.

Also, a protest of citizens of Morgan County, Georgia, upon the same subject—to the Committee on Agriculture.

By Mr. CARUTH: Protest of sundry cigar-makers of Louisville, Ky., against the tobacco schedule of the McKinley tariff bill—to the Committee on Ways and Means.

Also, papers to accompany H. R. 9355, for the relief of the estate of Elizabeth Hoffer—to the Committee on War Claims.

By Mr. CHEADLE: Petition of A. H. Van Allen and 16 others, against the passage of House bill 8278—to the Committee on Commerce.

By Mr. CHIPMAN: Protest of Hugo H. Stender and others, against the McKinley bill to tax leaf-tobacco—to the Committee on Ways and Means.

Also, petition of Taggart & Tuttle and other cigar manufacturers, against \$2 per pound custom tax on leaf-tobacco, of the form of a customs tax of 35 cents per pound on said tobacco, and of \$5 per pound on cigars—to the Committee on Ways and Means.

By Mr. COGSWELL: Protest of W. B. Richardson and others, of Peabody, Mass., against a duty on hides—to the Committee on Ways and Means.

By Mr. COOPER, of Ohio: Remonstrance of Smith Brothers, of Delaware, Ohio, against a duty on guns—to the Committee on Ways and Means.

By Mr. COVERT: Petition of James W. Cain and others, for increase of duties on farm products—to the Committee on Ways and Means.

By Mr. CRAIG: Memorial of Cash Creek Grange, Indiana County, Pennsylvania, for tariff on agricultural products—to the Committee on Ways and Means.

Also, memorial of Grenville Grange, No. 770, Indiana County, Pennsylvania, for tariff on agricultural products—to the Committee on Ways and Means.

Also, memorial of New Derry Grange, Westmoreland County, Pennsylvania, for tariff on farm products—to the Committee on Ways and Means.

Also, memorial of Ambrose Grange, No. 445, Indiana County, Pennsylvania, for tariff on agricultural products—to the Committee on Ways and Means.

Also, memorial of Indiana Grange, No. 313, Indiana, Pa., for tariff on agricultural products—to the Committee on Ways and Means.

By Mr. DIBBLE: Memorial of merchants of Charleston, S. C., against the metal and cutlery schedules in the McKinley tariff bill—to the Committee on Ways and Means.

By Mr. DINGLEY: Memorial of Pomona Grange, Androscoggin County, Maine, for amendment to patent laws so as to protect the innocent purchaser—to the Committee on Patents.

Also, petition of J. E. Thomas and others, of Knox County, Maine, for a duty on firewood—to the Committee on Ways and Means.

By Mr. DORSEY: Petition from citizens of Nebraska, for passage of Butterworth bill—to the Committee on Agriculture.

By Mr. ELLIS: Petition of Farmers and Laborers' Union of Webster County, Kentucky, asking for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. ENLOE: Petition of J. D. Lane, of Madison County, Tennessee, for reference of claim to Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

By Mr. GREENHALGE (by request): Petition of Lawrence (Mass.) Turnverein in aid of petition of North American Turnbund, against materially changing naturalization laws—to the Select Committee on Immigration and Naturalization.

By Mr. GROSVENOR: Petition of William Chittenden and others, against tax on hides—to the Committee on Ways and Means.

Also, a protest of George E. Redemyer, against tariff on flowers, etc.—to the Committee on Ways and Means.

Also, petition of Samuel Hendrickson and many others, of Frost, Ohio, in favor of remonetization of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HATCH: Petition of farmers of Marion County, Missouri, for the passage of an act to prevent the selling of futures and options in grain and farm products—to the Committee on Agriculture.

By Mr. HENDERSON, of Iowa: Petition of photographers of Butler County, Iowa, against increase of duty on photographic albumen paper—to the Committee on Ways and Means.

Also, petition of photographers of Farley, Dubuque County, Iowa, upon the same subject—to the Committee on Ways and Means.

Also, petition of photographers in Iowa, upon the same subject—to the Committee on Ways and Means.

Also, petition of photographers of Sumner, Bremer County, Iowa, upon the same subject—to the Committee on Ways and Means.

Also, petition of photographers of Eagle Grove, Wright County, Iowa, upon the same subject—to the Committee on Ways and Means.

Also, petition of photographers, upon same subject—to the Committee on Ways and Means.

Also, petition of citizens of Delaware County, Iowa, asking amendment to the law in relation to obscene literature—to the Committee on the Post-Office and Post-Roads.

Also, petition from citizens of Hardin County, Iowa, upon the same subject—to the Committee on the Post-Office and Post-Roads.

Also, petition, papers, etc., from citizens of Iowa, praying for pension for Levi Sheets, of Greene, Iowa—to the Committee on Invalid Pensions.

Also, resolutions of G. W. Nelson Post, No. 63, Department of Iowa, favoring amendment to pension laws so as to include the widow and children of any deceased soldier or sailor—to the Committee on Invalid Pensions.

Also, petition, etc., of citizens of Hardin County, Iowa, praying for a special act granting a pension to Alexander Crossan—to the Committee on Invalid Pensions.

Also, by request, petition Hon. John Pope Hodnett, counsel for workmen, District of Columbia, showing the record of his case before the Court of Claims, before the Secretary of the Treasury, before the First Comptroller of the Treasury, before the commissioners of the District of Columbia, before the President of the United States, before the Attorney-General, and before original committee of the District of Columbia on Investigation into Affairs of the District of Columbia, of which Mr. Buckner, of Missouri, was chairman—to the Committee on the District of Columbia.

Also, petition from members of the General Assembly of Iowa, urging the adoption of an amendment to the Federal Constitution for election of United States Senators by a direct vote of the people—to the Committee on the Judiciary.

By Mr. HENDERSON, of North Carolina: Petition of the Marlborough Monthly Meeting of Friends, of Randolph County, North Carolina, consisting of 450 persons, in opposition to the recommendations of the Senate Naval Committee and other measures proposing large expenditures for the Navy and coast defenses and other warlike preparations—to the Committee on Naval Affairs.

By Mr. HILL: Petition by certain citizens of Ottawa, Ill., relating to impost duties on silver-lead ores—to the Committee on Ways and Means.

By Mr. HITT: Protest against duty on hides by Rockford Shoe Company and Skandia Shoe-Manufacturing Company, of Rockford, Ill.—to the Committee on Ways and Means.

By Mr. HOLMAN: Petition against an increase of duty on photographic albumen paper—to the Committee on Ways and Means.

Also, remonstrance of Isaac Bell and others, of Rising Sun, Ind., against a tariff duty on hides—to the Committee on Ways and Means.

Also, petition of H. W. Smith and 12 others, citizens of the city of Aurora, Ind., for the enactment of a law to perpetuate the national banking system and the protection of depositors—to the Committee on Banking and Currency.

Also, affidavits in support of bill granting a pension to Artemetia Trulock—to the Committee on Invalid Pensions.

By Mr. JOSEPH: Petition from citizens of Española, N. Mex., praying Congress to approve an act entitled "An act to define the boundary lines of Santa Fé County," passed by the Twenty-eighth Legislative Assembly of the Territory of New Mexico—to the Committee on the Territories.

Also, petition from citizens of Santa Cruz, N. Mex., for the same purpose—to the Committee on the Territories.

By Mr. KELLEY: Petition of board of county commissioners of Leavenworth County, Kansas, asking for the appropriation of \$6,200,000 for the improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. KERR, of Pennsylvania: Petition of grangers and farmers, officers and representatives of Grange No. 654, Clarion County, Pennsylvania, asking favorable consideration of their interests, etc.—to the Committee on Ways and Means.

By Mr. KINSEY: Protest of 36 citizens of St. Louis, Mo., against the enactment of sections 24 and 25 of House bill 8278—to the Committee on Commerce.

By Mr. LAWLER: Protest against the increase of duty on photographic albumen paper—to the Committee on Ways and Means.

Also, protest of White & Willis, Chicago, Ill., against increased duties on guns, etc.—to the Committee on Ways and Means.

Also, protest, against duties on plants, seeds, etc.—to the Committee on Ways and Means.

By Mr. LEWIS: Petition of Farmers' Alliance of the county of Grenada and citizens of the counties of Montgomery, Carroll, and Grenada, against the passage of the bill (H. R. 283) to regulate the manufacture and sale of counterfeit compound lard—to the Committee on Agriculture.

By Mr. LODGE: Petition of citizens of Boston, Mass., urging the passage of (H. R. 2130) for the relief of John Regan—to the Committee on War Claims.

Also, petitions of builders and manufacturers of Lynn, Mass., protesting against an increase of duty on lime—to the Committee on Ways and Means.

Also, protest of C. W. Lewis, of Lynn, Mass., against the imposition of duty on certain plants—to the Committee on Ways and Means.

By Mr. MCOMAS: Protest against sections 24 and 25 of House bill 8278—to the Committee on Commerce.

By Mr. McCORMICK: Petition of Walter Horton & Co. and 15 others, citizens of Pennsylvania, praying that hides may be admitted free of duty—to the Committee on Ways and Means.

Also, petition of Grange 913, Patrons of Husbandry, Tioga County, Pennsylvania, praying for protection of sundry farm products—to the Committee on Ways and Means.

Also, petition of Thomas R. Williams and 13 others, praying that hides may be continued on the free-list—to the Committee on Ways and Means.

By Mr. McCREARY: Petition of Mrs. Christina M. Scrugham for relief—to the Committee on War Claims.

By Mr. MCRAE: Petition of B. H. Barton and 35 others, citizens of Polk County, Arkansas, favoring free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. MOFFITT: Protest of Glens Falls Pulp Company, of Glens Falls, N. Y., against the proposed duty on endless belts, on felts for paper or printing machines—to the Committee on Ways and Means.

Also, protest from H. A. Douglas and 33 others, citizens of Chateaugay, N. Y., protesting against the duty on hides—to the Committee on Ways and Means.

By Mr. MORRILL: Resolutions of county commissioners of Leon County, Kansas, asking for deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. OUTHWAITE: Protest of the Pastors' Union of Columbus, Ohio, against reducing army chaplains to the standing of civilian employees—to the Committee on Military Affairs.

Also, a remonstrance of H. Withoff & Co., against increased duties on breech-loading guns—to the Committee on Ways and Means.

By Mr. PEEL: Memorial of J. S. Stanley, as delegate for Choctaw Nation, in regard to diverted trust funds—to the Committee on Indian Affairs.

By Mr. PETERS: Affidavits in support of H. R. 9583, pensioning Belinda Jane Phillips—to the Committee on Invalid Pensions.

Also, petition of citizens of Harvey County, Kansas, protesting against sections 24 and 25 of H. R. 8278, to amend interstate-commerce act—to the Committee on Commerce.

Also, affidavit in support of bill (H. R. 9510) for pension for Daniel Giberson—to the Committee on Invalid Pensions.

By Mr. PIERCE: Petition of colored citizens of Gibson County, Tennessee, against the passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. ROBERTSON: Resolution of the Sugar Chemists' Association of Louisiana, protesting against proposed reduction on sugar duties—to the Committee on Ways and Means.

By Mr. SCRANTON: Memorial of Grange No. 899, Patrons of Industry, of Lackawanna County, Pennsylvania—to the Committee on Ways and Means.

By Mr. SCULL: Memorial of Patrons of Husbandry, Grange 481, Blair County, Pennsylvania, recommending a schedule of duties on agricultural products—to the Committee on Ways and Means.

By Mr. SENEY: Petition of James T. Waltermier, of Fostoria, Ohio, favoring the grant of pensions to survivors of the ill-fated Sultana—to the Committee on Invalid Pensions.

By Mr. SPOONER: Petition of Charity Organization Society of Newport, R. I., and others, for restriction of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. TILLMAN: Memorial of E. B. Tyler, vice-president of Aiken County Farmers' Alliance in South Carolina; of F. M. Green and 40 other citizens, praying the passage of House bill No. 5353, relating to dealings in options and futures—to the Committee on Agriculture.

By Mr. TOWNSEND, of Colorado: Resolution of the Chamber of Commerce of Denver, Colo., in favor of postal telegraph—to the Committee on the Post-Office and Post-Roads.

Also, a protest against H. R. 8278, to amend "An act to regulate commerce"—to the Committee on Commerce.

By Mr. TRACEY: Petition of William Whitney, of Albany, N. Y., opposing an increase of duty on cutlery—to the Committee on Ways and Means.

By Mr. TUCKER: Petition of James S. Hubbard and others, for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. WADE: Petition of Timothy W. Davis, praying for reference of his claim to Court of Claims—to the Committee on War Claims.

By Mr. WALKER, of Missouri: Petition of 29 members of the Cape City National Guards of Missouri, asking for the passage of the Henderson bill to help State militia—to the Committee on the Militia.

By Mr. WASHINGTON: Petition for allowance of claim of J. H. Stephenson, of Tennessee—to the Committee on War Claims.

By Mr. WATSON: Remonstrance of tanners and citizens of Sheffield Township, Warren County, Pennsylvania, against duty on hides—to the Committee on Ways and Means.

Also, a remonstrance of tanners of Clarendon, Pa., for same purpose—to the Committee on Ways and Means.

Also, a remonstrance of citizens and farmers of Sterling Run, Cameron County, Pennsylvania, for the same purpose—to the Committee on Ways and Means.

Also, petition of Patrons of Husbandry, Grange No. 893, Venango County, Pennsylvania, relative to rates of duty on agricultural products—to the Committee on Ways and Means.

Also, a petition of Patrons of Husbandry, Grange, No. 875, of War-

ren County, Pennsylvania, for the same purpose—to the Committee on Ways and Means.

Also, petition of Columbus Grange, Patrons of Husbandry, No. 875, with 97 members, upon the same subject—to the Committee on Ways and Means.

Also, remonstrance of I. West, Bradford, Pa., against an increase of duty on albumen paper—to the Committee on Ways and Means.

By Mr. WRIGHT: Petition of citizens of Honesdale, Pa., against any duty on imported hides—to the Committee on Ways and Means.

Also, a memorial from W. W. Cain and others, relating to tariff on fire-arms—to the Committee on Ways and Means.

Also, a memorial of Grange No. 214, Pennsylvania, Patrons of Husbandry, asking for certain rates of duties on agricultural products—to the Committee on Ways and Means.

SENATE.

TUESDAY, April 22, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CORRECTION.

Mr. HISCOCK. On April 18 I introduced a bill (S. 3564) to amend and re-enact the act entitled "An act to prescribe a national currency secured by a pledge of United States bonds and to provide for the circulation and redemption thereof." At the time of the introduction of this bill I introduced several others, and expressly stated that I did so by request, and supposed that I thus stated in regard to this bill. I believe that I did, although, if I did, my words were not caught by the Reporter; but such, at least, was my intention in its introduction. Recognizing somewhat the principle that a bill is in its nature a petition and if it comes from a respectable source it is entitled to be presented, I introduced the bill. I think it proper to say there is very little in the bill that I agree to, and I therefore make this statement, that it was not introduced because of my approval of its provisions.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of February 20, 1890, a letter from the Chief of Engineers, together with a report, accompanied by maps, of Lieut. Col. Peter C. Hains, Corps of Engineers, in regard to a bridge, with approaches, from a point at or near the foot of New York avenue across the Potomac River to a point on the United States national cemetery grounds at Arlington, so as to connect in the best manner the public grounds on both sides of the Potomac River, etc.; which was read.

Mr. BUTLER. The communication should be referred to the Committee on Public Buildings and Grounds.

Mr. SHERMAN. The question of printing the maps accompanying it ought to be referred to the Committee on Printing.

The VICE-PRESIDENT. The communication will be referred to the Committee on Public Buildings and Grounds and printed. The question of printing the accompanying maps will be referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. VEST presented a petition of the Commercial Club of Kansas City, Mo., praying for the establishment of a limited postal-telegraph system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 112 citizens of Excelsior Springs, Mo., praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. FAULKNER presented a petition signed by G. M. Fought & Co. and 8 others, citizens of Parkersburgh, W. Va., praying that no increase of duty be put upon breech-loading shotguns; which was referred to the Committee on Finance.

Mr. PASCO presented a resolution adopted by the Farmers' Alliance of Escambia County, Florida, praying for the passage of the bill introduced by Senator VANCE for the relief of farmers; which was referred to the Committee on Agriculture and Forestry.

Mr. QUAY presented a petition of citizens of Pennsylvania, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented a petition of Grange No. 328, Patrons of Husbandry, of Northampton County, Pennsylvania, praying for an increase of tariff duties on farm products; which was referred to the Committee on Finance.

He also presented the petition of C. A. Logue and others, praying that in the erection of public buildings, fortifications, etc., American skilled and unskilled laborers be employed upon the same instead of aliens; which was referred to the Committee on Education and Labor.

Mr. VOORHEES presented a memorial of the North American Turnbund, remonstrating against any material change in our immigra-

tion and naturalization laws; which was referred to the Committee on Immigration.

Mr. CULLOM presented a petition of ex-soldiers and sailors of the late war, praying for the repeal of the limitation in the arrears-of-pension act; which was referred to the Committee on Pensions.

He also presented a petition of ex-soldiers, residents of Illinois, praying that a pension be granted James W. Parker, late of Company K, Twentieth Regiment Kentucky Volunteers; which was referred to the Committee on Pensions.

He also presented a petition of 30 citizens of Massac County, Illinois; a petition of 43 citizens of New Columbia, Ill., and a petition of 34 citizens of Samoth, Ill., praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. ALLISON presented a petition of 24 citizens of the Seventh Congressional district of Iowa; a petition of 35 citizens of Bennett, Iowa, and a petition of 16 citizens of the Seventh Congressional district of Iowa, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented resolutions adopted by the Green Tree (Iowa) Farmers' Alliance, No. 1327, of Davenport, Scott County, Iowa; resolutions adopted by Farmers' Alliance No. 1465, of Plainfield, Iowa, and the petition of I. J. Kessey and 48 other farmers of Iowa, praying for the passage of House bill 283, known as the Conger compound-lard bill; which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Bangor (Iowa) Monthly Meeting of Friends, remonstrating against measures which propose a large expenditure for the Navy and so-called coast defenses and other warlike preparations; which was referred to the Committee on Naval Affairs.

Mr. SPOONER presented a petition of 287 citizens of Wisconsin, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. FRYE presented resolutions of the Portland Central Labor Union, of Portland, Me., in favor of an eight-hour law on Government work; which were referred to the Committee on Education and Labor.

He also presented a petition containing the signatures of 40 citizens of New Mexico, collected by the National Woman's Christian Temperance Union, praying for a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. REAGAN. I present what purports to be a petition praying for the passage of a Sunday-rest bill. It is stated that it was indorsed by a vote of 184 people in a mass meeting of citizens of Dallas, Tex., and indorsed by 190 people in a mass meeting of citizens of Gainesville, Tex. Somebody signs it, saying that it was so indorsed, but it is without the names of the petitioners. It goes, I believe, to the Committee on Education and Labor.

The VICE-PRESIDENT. The petition will be referred to the Committee on Education and Labor.

Mr. RANSOM. I present a petition of a large number of very worthy and influential men and women in the city of Wilmington, N. C., praying for the passage of a law forbidding, in the nation's mail and military service, and interstate commerce, and in the District of Columbia and the Territories, all Sunday traffic and work, excepting works of religion and works of real necessity and mercy, and such private work by those who observe another day as will neither interfere with the general rest nor with general worship.

I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. BUTLER presented a petition of 33 citizens of South Carolina, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. DAWES presented a petition of 99 citizens of Massachusetts, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. HARRIS presented the petition of J. I. D. Hinds, superintendent of the Cumberland Presbyterian Sunday-school at Lebanon, Tenn., representing 75 citizens, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. BLAIR presented the petition of Lambert S. Wood, of Missoula, Mont., representing labor organizations in that State, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. BLAIR. I present the following petition:

PHILADELPHIA, PA.

We, the undersigned, citizens of the United States, profoundly concerned for the passage of the Blair educational bill, earnestly beseech you to reconsider said bill and enact it into law.

Our presbytery represents 114 ministers, 56 elders, and 2,000 members.

J. T. WRIGHT, Moderator.

H. G. McVEY, Stated Clerk.

I move that the petition lie on the table.

The motion was agreed to.

Mr. TELLER presented a petition of 75 members of the Second Congregational Church of Denver, Colo., praying for the passage of a